



Situation Analysis of Adolescents in Malaysia

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SITUATION ANALYSIS OF ADOLESCENTS IN MALAYSIA



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ACRONYMS

ARROW

Asia-Pacific Resource and Research Centre for Women

BMI

Body Mass Index

DSW

Department of Social Welfare

JAG

The Malaysian Joint Action Group for Gender Equality

GDP

Gross Domestic Product

GOM

Government of Malaysia

IYRES

Institute for Youth Research Malaysia

LFPR

Labour force participation rate

LGBTQIA+

Lesbian, Gay, Bisexual, Pansexual, Transgender, Genderqueer, Queer, Intersexed, Agender, Asexual, and Ally community

MBM

Majlis Belia Malaysia (Malaysia Youth Council)

MoYS

Ministry of Youth and Sports

MPKK

Majlis Perwakilan Kanak-Kanak (Children's Representative Council)

MWFCD

Ministry of Women, Family and Community Development

NEET

Neither attending school or training nor working

NHMS

National Health and Morbidity Survey

NGO

Non-profit organisation

NYCC

National Youth Consultative Council

OECD

Organisation for Economic Co-operation and Development

PISA

Programme for International Student Assessment

SDG

Sustainable Development Goals

SIS

Sisters in Islam

STEM

Science, technology, engineering and mathematics

STI

Sexually transmitted infection

SRH

Sexual and reproductive health

TVET

Technical and Vocational Educational Training

UNFPA

United Nations Population Fund

UNICEF

United Nations Children's Fund

WHO

World Health Organization

YSYD

Youth Societies and Youth Development

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Introduction: Purpose and Background

Adolescence is the formative liminal stage between childhood and adulthood, during which young people go through many physical and psychosocial changes. It is a critical period that is associated with 'growing opportunities, capacities, aspirations, energy and creativity, but also significant vulnerability.'¹ It is also the stage at which children begin to forge their own individual identities, borne from complex interactions with their families, communities and culture,² and during which gender expression and gendered behaviours are established; by 15 / 16 years old, gender stereotypes have solidified, entrenching discriminatory norms that have harmful impacts on the wellbeing of boys and girls.³

Adolescence is therefore a critical stage for intervention. Interventions that promote adolescent development and well-being can have a profound impact on a person's life, including in the areas of health, education and employment, participation in

community and civic affairs, and relationships, and lay important foundations for adulthood.⁴ Interventions during adolescence can also strengthen interventions made during earlier childhood and have lasting impacts in building resilience into adulthood. Adolescence is also the period during which effective interventions can disrupt harmful gender norms and stereotypes: 'the plasticity of the adolescent brain offers a prime opportunity not only to shape self-perception and behaviour but also to manipulate social constructs', offering a critical window for influence.⁵

As such, this critical and formative developmental period should inform UNICEF's planning and programming in Malaysia.

This report was developed during the drafting of a broader research report, the Situation Analysis of Women and Children in Malaysia, which includes an assessment and analysis on outcomes for children in Malaysia.



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- 1 CRC Committee, *General Comment No.20 (2016) on the Implementation of the Rights of the Child During Adolescence*, CRC/C/GC/20, 2016, para. 2.
- 2 *Ibid.*, para. 10.
- 3 'The lost boys', 3(7) *The Lancet Child and Adolescent Health*, 437, 30 May 2019.
- 4 CRC Committee, *General Comment No.20 (2016) on the Implementation of the Rights of the Child During Adolescence*, CRC/C/GC/20, 2016, para. 3.
- 5 'The lost boys', 3(7) *The Lancet Child and Adolescent Health*, 437, 30 May 2019.

Defining 'adolescence' and 'youth'

In this Situation Analysis (SitAn), adolescents are defined as 'persons from 10 through 19 years of age' in accordance with the definition adopted by WHO and followed by UNICEF.⁶ Children are persons aged 0-17 years, youth encompasses individuals aged 15-24 years, and young people are those aged 10-24 years.

In many instances, however, governmental data are not broken down according to these age bandings and definitions, and national bodies and policies use different definitions. In such circumstances, this will be made clear. For example, in recent years, there has been a move by the Malaysian government to change the definition of 'youth'. The Youth Societies and Youth Development (YSYD) Act 2007 defined youth as persons aged 15 to 40 years of age, but, in July 2019, an amendment to that law was passed by Parliament that lowered the upper age from 40 to 30.⁷ The reason that the Ministry of Youth and Sports introduced this amendment was to reduce the generation gap, accelerate youth maturity and reduce risky behaviour in

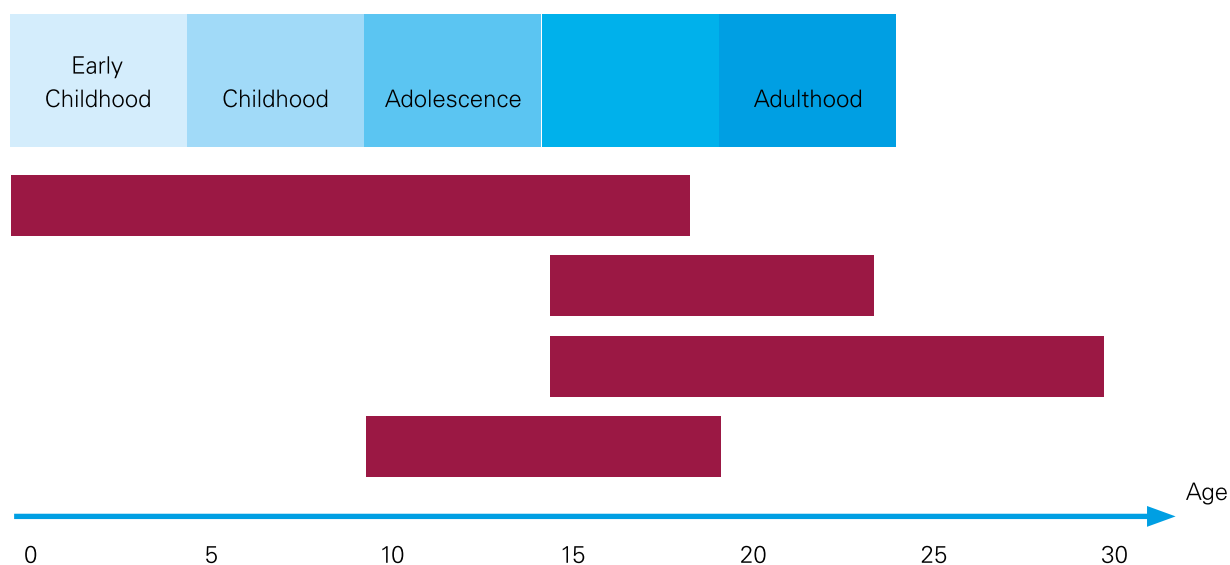
youth groups.⁸ The National Youth Development Policy of Malaysia (1997) similarly defined youth as persons aged 15-40 years, whereas the National Youth Policy (2015) which replaced it redefined youth as those aged between 15 and 30 years.

1.1 Purpose and objectives

In recognition of adolescence as a crucial life stage, UNICEF Malaysia has been working with and for adolescents in the areas of education, protection, health, and participation, particularly supporting adolescents to be active agents of change to influence their development. A key component of UNICEF Malaysia's new country programme (2021-2025) will aim to support the Government of Malaysia to enhance adolescents' rights, reduce disparities and foster greater inclusion and participation, applying human rights-based and gender responsive programming.

The need to undertake a rapid situation analysis on adolescents has been identified in order to improve UNICEF Malaysia's understanding of adolescents' situation and to serve as an important

FIGURE 1: Definitions of children, adolescents and youth



Note also that, as this SitAn focuses on 'adolescents', it does not report or analyse data relating to children more broadly: this is covered in the Situation Analysis of Women and Children in Malaysia (i.e. the main SitAn).

6 United Nations Children's Fund, *UNICEF Programme Guidance for the Second Decade: Programming with and for Adolescents*, Programme Division, UNICEF, October 2018, p. 9.

7 New Straits Times, "'Youth' Now Defined as Those between 15 and 30", 3 July 2019, available at: <https://www.nst.com.my/news/nation/2019/07/501288/youth-now-defined-those-between-15-and-30>. Note that this change was controversial and a number of states are maintaining the upper age of 40 until the Bill is gazetted in 2021, when they will revisit the age issue.

8 Ibid.

knowledge product to identify key gaps, inform key programme directions, identify advocacy priorities and more effective adolescent engagement modalities in UNICEF Malaysia's programme cycle, particularly in reaching the most marginalized groups – adolescents with disabilities, ethnic minorities, undocumented, LGBTQIA+.

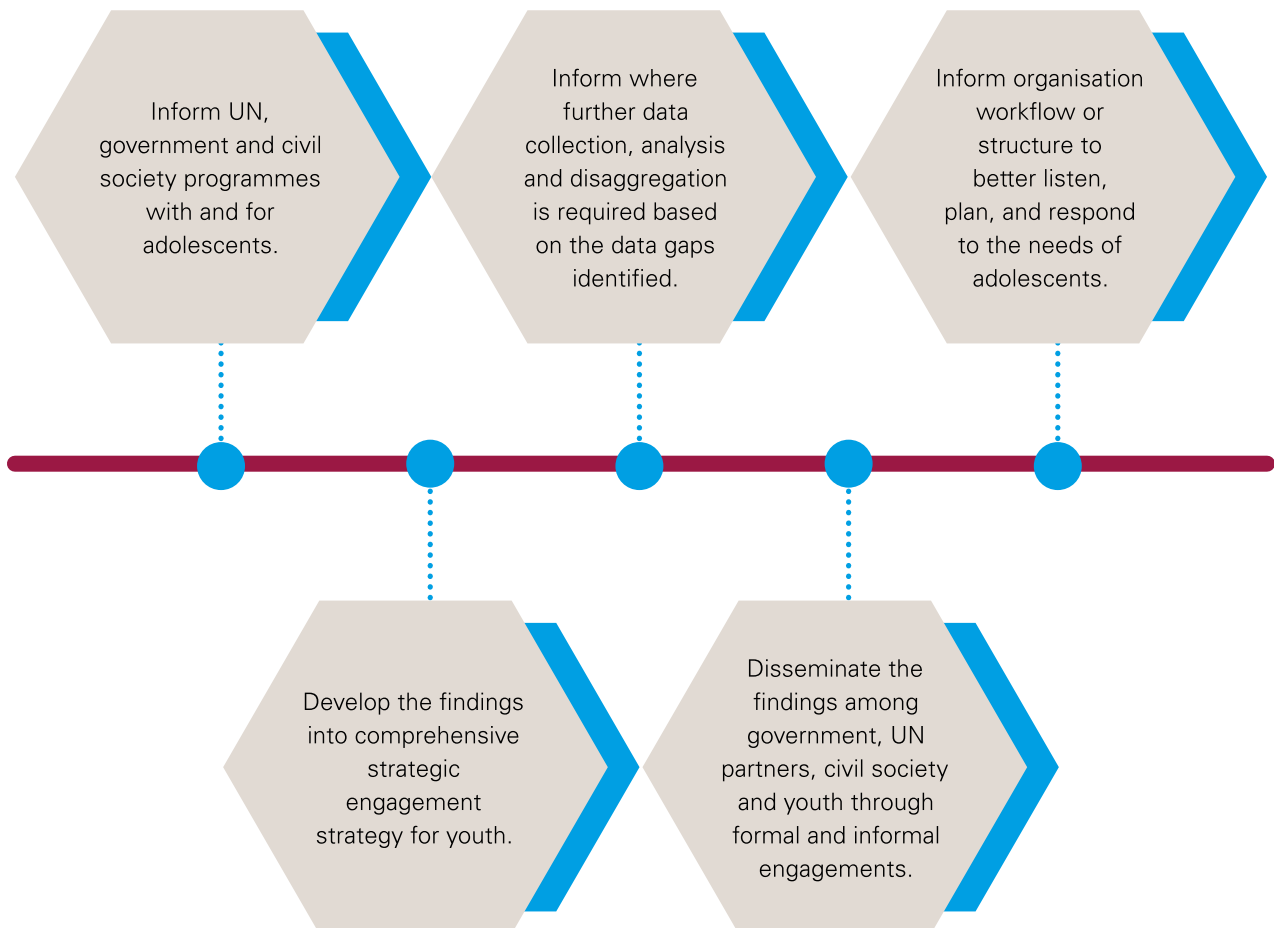
1.2 Methodology

The research was carried out in two phases. Initially, **an analysis was carried out of key published data**, including national survey data and administrative data from Government agencies on the situation of adolescents, as well as UNICEF's strategy documents on its adolescent programme. Researchers also carried out a literature review of relevant smaller-scale studies and research reports. Where possible, data

were disaggregated by age, sex, ethnicity, disability and geographical area in order to identify disparities in outcomes between different groups of adolescents and highlight any equity issues. Researchers used international human rights standards and key international and national development targets (in particular the SDGs) in order to measure outcomes for adolescents.

In addition, a series of **three consultations took place involving a total of 119 adolescents in Peninsular (Selangor), Sabah (Kota Kinabalu) and Sarawak (Kuching)** in November 2019. The consultations provided a space for adolescents to identify priority issues in Malaysia and to carry out causal analyses in relation to these issues.

This study aims to inform UNICEF Malaysia's understanding of adolescents' situation in Malaysia, focusing on their rights issues, challenges and gaps in order to:





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2 Context

KEY POINTS

Malaysia has 5.5 million adolescents, as of 2018, adolescents made up 17 per cent of the population though the population of adolescents as a proportion of the overall population has steadily declined over the past 50 years as a result of an aging population.⁹

A lower dependency burden creates a demographic dividend, provided the right policies are put in place to invest in human capital through quality education, skills building and labour force access.

Malaysia has a strong and growing economy and is on course to become a high-income country by 2024.¹⁰ While poverty rates have declined substantially, it is likely that adolescents and young people are more vulnerable to poverty and economic exclusion, given that children are disproportionately affected by poverty and young people face barriers entering the labour market.¹¹

2.1 Population and demographic profile of adolescents in Malaysia

According to the 2017 National Health and Morbidity Survey (NHMS), there are 5.5 million adolescents in Malaysia.¹² **The population of adolescents (10-19 years), as a proportion of the overall population, has steadily declined over the past 50 years**

as a result of an aging population, due to rising life expectancy and a fall in the fertility rate.¹³

The adolescent population is projected to constitute 15.6 per cent of the general population by 2020 (7.6 per cent aged 10-14 and 8 per cent aged 15-19); representing a steady decline over the past 50 years; in 1970, adolescents constituted 24.1 per cent of the population.¹⁴

The increase in the proportion of working-age population means a lower dependency burden (from 90.1 to 44.7), which represents an opportunity for economic growth (a demographic dividend).¹⁵

However, this demographic dividend depends on the right policies and efforts being made to invest in human capital by improving education, skills, labour force access and retention and other outcomes.

The sex ratio of youth is 1.06, that is, 106 boys for every 100 girls, and this corresponds closely with the sex ratio at birth. There are some differences between ethnicities: the sex ratio among non-Bumiputera (1.04) being higher than that of Bumiputera youth (1.01).¹⁶ The sex ratio among non-citizen youth was much higher, at 1.46, indicating that a higher proportion of migrants in recent years, are male.¹⁷ The majority of youth in Malaysia (at 69 per cent) in 2020 will be Bumiputera, an increase from 64 per cent in 2010. Most (72 per cent in 2010) of Malaysia's youth live in urban areas.¹⁸

2.2 Socio-economic-political context of adolescents in Malaysia

Malaysia has a strong and growing economy; it is an upper-middle income country with a GDP

9 Peng, N.T and Li, S.L, 'Population growth and distribution in Malaysia' in *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 44.

10 World Bank, 'The World Bank in Malaysia', available at: <https://www.worldbank.org/en/country/malaysia/overview>

11 Hunter, Murray, 'Malaysia Faces Youth Unemployment Crisis', Malay Mail, 10 September 2019, available at: <https://www.malaymail.com/news/what-you-think/2019/09/10/malaysia-faces-youth-unemployment-crisis-murray-hunter/1789238>

12 Institute for Public Health, Ministry of Health, *National Health and Morbidity Survey (NHMS) 2017: Key Findings from the Adolescent Health and Nutrition Survey – Infographic booklet*, April 2018, p. 2.

13 Peng, N.T and Li, S.L, 'Population growth and distribution in Malaysia' in *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 44.

14 Ibid.

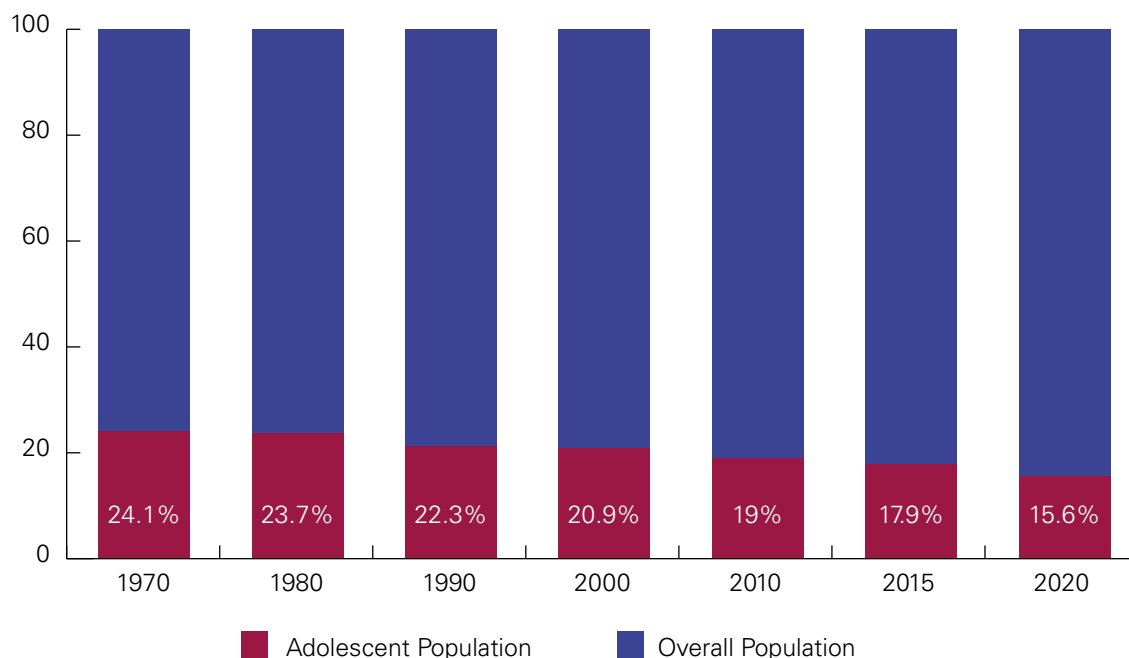
15 Ibid., p. 61.

16 Tey, Nai P. 'The State of the Youth in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 128.

17 Ibid.

18 Ibid.

FIGURE 2: Adolescents (10-19 years) as a proportion of the general population (%), 1970 to 2020



Source: Extracted from Peng, N.T and Li, S.L, 'Population growth and distribution in Malaysia' in *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 32 (Table 2.6, p. 44).

of USD354,348 billion¹⁹ and a GDP per capita of USD10,460,²⁰ and is on course to become a high-income country by 2024.²¹ With this strong economic growth, Malaysia has been able to reduce its official national poverty rate from 49 per cent in 1970 to 0.4 per cent in 2016.²² While it has been reported that children (0-18 years) are disproportionately affected by poverty (the absolute poverty rate amongst children stands at 1.7 per cent, which is almost three times higher than the average across all age groups of 0.6 per cent²³), **the rate of poverty among adolescents or young people is not known (or at least, has not been reported).**

In addition, **Malaysia's poverty line has been set very low and is not consistent with the cost of living** – as mentioned by the UN Special Rapporteur on extreme poverty in his recent report on Malaysia,

the current poverty line of RM908 (USD235) would see an urban family of four surviving on RM8 (less than USD2 a day); a very low rate for a country on the cusp of becoming high income.²⁴ A more meaningful poverty line, commensurate with countries with similar average income, would see Malaysia's poverty rate include around 20 per cent of the population.²⁵

Whilst Malaysia has shown strong economic and social development over the past 20 years, there continues to be disparities between ages, ethnicities, regions and gender (see section 3 in the main SItAn report for an exploration of poverty and disparities). **It is likely that adolescents and young people are more vulnerable to poverty and economic exclusion**, given that children are disproportionately affected by poverty and young people face barriers entering the labour market.

19 World Bank Data, Malaysia, accessed 17/07/2019, available at: <https://data.worldbank.org/country/malaysia>

20 World Economic Outlook, GDP per capita, current prices (adjusted for December 2018 exchange rate), available at: <https://bit.ly/2YXSlju>

21 World Bank, 'The World Bank in Malaysia', available at: <https://www.worldbank.org/en/country/malaysia/overview>

22 For more details, see Situation Analysis of Women and Children in Malaysia.

23 UNICEF, 'Children Without', Putrajaya, 2018.

24 Statement by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights, on his visit to Malaysia, 13-23 August 2019, p. 2.

25 Khazanah Research Institute, 'The absolute vs relative poverty conundrum', June 2019, pp. 5-6, available at: http://www.krinstute.org/assets/contentMS/img/template/editor/Views_The%20Absolute%20VS%20Poverty%20Conundrum.pdf



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The official youth unemployment rate (15 to 24 year olds) is currently 10.9 per cent, more than three times the national average of 3.3 per cent.²⁶ Unemployed youth constitute almost 60 per cent of the 504,000 currently unemployed. It is likely, however, that the true extent of youth employment is under-reported, given the restrictive definition used by Government, which does not include those who have not registered as actively looking for work.²⁷ There are three main categories of unemployed youth: graduates; rural youth; and urban youth. Of 173,000 students who graduated in 2018, 57,000 remained unemployed after six months of job seeking. Between 2010 and 2017, around 14-16 per cent of young people were NEET (neither attending school or training nor working), with young

women more likely to be NEET (around 18-21 per cent compared to around 10-11 per cent of young men).²⁸ Women appear to face barriers accessing the labour market, as is explored further below: according to the Labour Force Survey Report 2016, Malaysia's overall labour force participation (LFP) rate in 2016 was 67.7 per cent whereas the female LFP rate was 54.3 per cent.²⁹ The Pakatan Harapan coalition had campaigned strongly on youth-friendly policies when in opposition, promising to address youth unemployment, and the youth vote played a key role in bringing the Pakatan Harapan coalition to power in the 2018 general election. However, according to a recent youth opinion survey, **42 per cent of those aged 18-35 years felt that the country is headed in 'the right direction'**,

26 Hunter, Murray, 'Malaysia Faces Youth Unemployment Crisis', Malay Mail, 10 September 2019, available at: <https://www.malaymail.com/news/what-you-think/2019/09/10/malaysia-faces-youth-unemployment-crisis-murray-hunter/1789238>

27 Ibid.

28 Tey, Nai P. 'The State of the Youth in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 128, 139.

29 Ibid.

“The rights for children, teenagers, and youth to voice out their thoughts is very essential.”

—Male, 16, Sarawak

while 34 per cent felt it was heading in ‘the wrong direction.’³⁰ Thirty-three per cent of respondents felt that the economy was an issue in which the Government was headed in the wrong direction,³¹ and 44 per cent felt that the economy was the biggest problem facing the country.³² 56 per cent felt that unemployment was a ‘major problem,’³³ and 54 per cent felt the Government was doing a ‘bad’ or ‘very bad’ job reducing unemployment.³⁴ With youth unemployment not showing any signs of decreasing, the number of economically and socially disenfranchised youth is likely to increase, with possible political consequences.³⁵

The age of majority in Malaysia is 18,³⁶ meaning that from this age a person can be enlisted into the army, enter into contracts, join societies and trade unions and marry (although there are separate rules for girls and for Muslims³⁷). From the age of 15 years, a person can become a member of any youth society established under the Youth Societies and Youth Development Act and can be engaged in full-time employment, although certain safeguards apply until the age of 18. From the age of 10, a person can be held criminally responsible.³⁸

The voting age, until this year, was 21 years but, following a bill passed by Parliament in July 2019, the voting age has been reduced to 18.³⁹ This provision is likely to come into effect in late 2020 or early 2021.⁴⁰

Results from the Malaysian Youth Index (used to measure the quality of life of youth) from 2015 onwards revealed that, **in general, levels of wellbeing for Malaysia’s youth are satisfactory. However, two domains stood out as requiring greater focus and investment: economy and political socialisation.**

The score over the last few years for the ‘economy’ domain, which measures salary, employment and financial literacy, has been decreasing. The score is also unsatisfactory for political socialisation, which measures political literacy and participation in political activities. There is thus a need to focus on improving the scores in these two domains in particular, and also in wellbeing generally.⁴¹ According to the ASEAN Youth Development Report, Malaysia is performing quite well, and ranked third among other ASEAN countries overall in four domains of youth development.⁴²

30 Centre for Insights in Survey Research, Merdeka Center, *National survey of Malaysian youth public opinion*, July 2019, p. 3: https://www.iri.org/sites/default/files/wysiwyg/malaysia_youth_national_survey_july_2019.pdf

31 Ibid, p. 5.

32 Ibid, p. 9.

33 Ibid, p. 10.

34 Ibid, p. 14.

35 Hunter, Murray, ‘Malaysia Faces Youth Unemployment Crisis’, Malay Mail, 10 September 2019, available at: <https://www.malaymail.com/news/what-you-think/2019/09/10/malaysia-faces-youth-unemployment-crisis-murray-hunter/1789238>

36 Age of Majority Act 1971.

37 Please see Situation Analysis of Women and Children in Malaysia for an examination of the legal system, including Syariah laws and their application to the rights of girls and boys.

38 Numan Afifi, *Adolescent and Youth Civic Participation in Malaysia: A Policy Review and Mapping of Young People’s Civic Participation*, February 2019, p. 9.

39 The Star Online, ‘Syed Saddiq Lauds Move to Lower Voting Age to 18’, 16 July 2019, available at: <https://www.thestar.com.my/news/nation/2019/07/16/syed-saddiq-lauds-move-to-lower-voting-age-to-18>

40 ‘Undi 18 expected to be implemented in 18 to 24 months’ time, Malay Mail, 4 September 2019, <https://www.malaymail.com/news/malaysia/2019/09/04/ec-undi-18-expected-to-be-implemented-in-18-to-24-months-time/1787006>

41 BFM, ‘What Does Your Research Say About Our Youth’, BFM Podcast with Manager of the Division of Planning and Research, Institute of Youth Research Malaysia, August 2019, available at: <https://www.bfm.my/podcast/the-bigger-picture/live-learn/what-does-research-say-about-our-youth>

42 ASEAN and UNFPA, *First ASEAN Youth Development Index*, 2017.



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3

National Legal and Policy Framework

**KEY POINTS**

The GOM has enacted a range of laws and policies that set out the rights of children and provide them with protection; however, inconsistencies between Malaysia's different legal systems (common law, Syariah law and customary laws) have at times caused conflict and have limited the protection afforded to children.

The GOM has also identified young people as a key target population group in development plans, in particular, within the context of human capital development.

While adolescents are encompassed by laws and policies that apply to children (0-18) and youth (15-30), there is a gap in terms of a targeted, multi-sector policy or strategy on adolescence, which limits the ability for the GOM to provide targeted actions to the unique life stage of adolescence.

Malaysia has put in place a legal, policy and institutional framework for developing and implementing social policies for children.⁴³

As set out in the main SitAn, the GOM has enacted a range of laws and policies that set out the rights of children and provide protection for children from violence, abuse, neglect, exploitation and other harm. It has also developed an institutional and governance framework in order to support the implementation and monitoring of these laws and policies, though implementation challenges do exist. It should be noted that inconsistencies between Malaysia's different legal systems (common law, Syariah law and customary laws) have at times caused conflict and have limited the protection afforded to children. A central law is the Child Act (Act 611), which was adopted by Malaysia in 2001, and amended in 2016. This Act is based on the four core principles of the CRC (non-discrimination, best interests of the child, right to life, survival and development, and respect for the views of the child). There was also a National Policy on Children 2009 and associated Plan of Action, which focus on development and its relationship to children's survival, protection, development and participation, and the National Child Protection Policy 2009 and associated Plan of Action, which sought to ensure that children are protected from all forms of neglect, abuse, violence and exploitation. However, both Policies have lapsed. The National Council for Children was established in 2016, pursuant to amendments made to the Child Act under the Child (Amendment) Act 2016 (Act 1511). The Council's role is

to advise the Government on child protection matters, develop programmes and strategies to address child protection issues, collect data and monitor progress in implementing national policies, and ensure standards of service are met within the child protection system, ensure coordination among different Government agencies and facilitate child participation in matters affecting them.

In addition, **the GOM has identified young people as a key target population group in development plans**, and has developed a comprehensive range of laws, policies and institutions to support the needs of young people, in particular, within the context of human capital development. It has signalled its commitment to youth through significant funding for youth development through the Ministry of Youth and Sports: from its RM1 billion 2019 budget, a 25 per cent increase was allocated for implementing agencies under this Ministry.⁴⁴ The Youth Societies and Youth Development Act 2007 (Act 668) aims to promote and facilitate the development of Malaysian youth in the areas of education, research and human capital. It established a National Youth Consultative Council as well as the Institute for Youth Research Malaysia. The National Youth Consultative Council is the main consultative body in terms of youth development and provides a forum for both the government and NGOs to meet and discuss youth policy formulation. It monitors implementation of the National Youth Policy; advises the Minister of Youth and Sports on the formulation of youth development

43 UNICEF Malaysia, *Exploring the Digital Landscape in Malaysia: Access and use of digital technologies by children and adolescents*, November 2014, p. 20.

44 Numan Afifi, *Adolescent and Youth Civic Participation in Malaysia: A Policy Review and Mapping of Young People's Civic Participation*, February 2019, p. 7.

policies; is a consultative and advisory body for youth organisations and State Youth Consultative Councils; and coordinates planning/activities of all youth organisations and State Youth Consultative Councils.⁴⁵ The Institute for Youth Research Malaysia (IYRES) acts as a data hub on youth development, collating and disseminating data. It also conducts and funds research on youth development, cooperates with other institutions on this issue, provides technical and consultancy services on youth development, implements educational and awareness-raising programmes to encourage youth development and collaborates with other organisations on research programmes.⁴⁶ IYRES looks into various aspects of youth development including sports, politics, education and employment and is responsible for the Malaysian Youth Index, which measures the wellbeing of Malaysian youth.⁴⁷

In addition to government bodies, there is also the Malaysia Youth Council (Majlis Belia Malaysia, MBM) (also known as National Youth Council) which is an NGO formed in 1948 that coordinates and supports youth and student organisations and plays an active role in implementing and monitoring Malaysia's national youth policy. It is the sole coordinating body for youth and student organisations in Malaysia that plays an active role in the implementation and monitoring of the national youth policy.⁴⁸ Despite the change of definition of 'youth' in the 2015 National Youth Policy, it appears that the Malaysia Youth Council retains its upper age cap at 40 years, in accordance with the statutory definition.⁴⁹

Each Malaysian state has a State Youth Council, and Sarawak has the United Nations Youth Organisation, headed by the Chief Minister of Sarawak. The National (or Malaysian) Youth Policy (which replaced the 1997

National Youth Development Policy) was launched in 2015. This defines youth as those aged between 15 and 30 and **seeks to maximise the potential of youth in terms of contributing to the overall development of Malaysia.**⁵⁰ It provides the framework for the planning and implementation of youth programmes and aims to increase youth participation as responsible citizens in national, regional and international initiatives, emphasise each individual's potential by celebrating diversity and difference, and increase access to the policy's 'priority areas' and youth development initiatives for all target groups; priority areas include welfare and community, aid relief, health, sports, environment, education, missionary work, politics, academic and skills, security and peace, digital media, consumer rights, history and numeracy.⁵¹ One of the policy's target groups includes marginalised and minority youth: marginalised groups are defined as orphans or youth living in poverty or with lower incomes, homeless youth, single young parents and underage parents; minority youth include youth with disabilities, those of minority race and the indigenous Orang Asli community.⁵² This target group does not, however, cover those with HIV or mental health issues, young refugees/migrants, LGBTI youth, young ex-offenders or youth at risk.⁵³

Malaysia's development plans have also identified youth as a target for special programmes. The Tenth Malaysia Plan (2011-2015) implemented a number of programmes that were designed to equip youth with the necessary skills and values to facilitate their contribution towards national development.⁵⁴ However, despite increased financial commitment to youth development and the introduction of a range of laws and policies and establishment of institutions, young people remain one of most vulnerable groups in society.⁵⁵

45 Numan Afifi, *Adolescent and Youth Civic Participation in Malaysia: A Policy Review and Mapping of Young People's Civic Participation*, February 2019, p. 16.

46 Section 57, YSYD Act.

47 BFM, 'What Does Your Research Say About Our Youth', BFM Podcast with Manager of the Division of Planning and Research, Institute of Youth Research Malaysia, August 2019, available at: <https://www.bfm.my/podcast/the-bigger-picture/live-learn/what-does-research-say-about-our-youth>

48 Youth Policy, 'Factsheet: Malaysia', 2014: <https://www.youthpolicy.org/factsheets/country/malaysia/>

49 Soo, J. W., 'Youth council: We already have under 30 policy', *Free Malaysia Today*, 7 July 2018: <https://www.freemalaysiatoday.com/category/nation/2018/07/07/youth-council-we-already-have-under-30-policy/>

50 Borneo Post Online, 'PM Launches New Malaysia Youth Policy', 16 May 2015, available at: <https://www.theborneopost.com/2015/05/16/pm-launches-new-malaysia-youth-policy/>

51 Numan Afifi, *Adolescent and Youth Civic Participation in Malaysia: A Policy Review and Mapping of Young People's Civic Participation*, February 2019, p. 10.

52 Ibid.

53 Ibid.

54 Tey, Nai P. 'The State of the Youth in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 127.

55 Numan Afifi, *Adolescent and Youth Civic Participation in Malaysia: A Policy Review and Mapping of Young People's Civic Participation*, February 2019, p. 8.



There also remains a gap in the legal and policy framework on adolescents in Malaysia. While adolescents are encompassed by Malaysia's child laws and policies and (to an extent) by its youth laws and policies (though only for those aged over 15 years), adolescence is a unique life stage, requiring specific and focused actions, plans, policies and programmes. Currently, issues facing adolescents in Malaysia are spread across a range of laws, policies, plans and Government departments with a lack of coordinated oversight. This limits the ability for the Government to develop specific systems and programmes that address the issues facing adolescents in an integrated or holistic way.

However, while a comprehensive, multi-sector policy and strategy on adolescence has not been developed, notably, the **National Adolescent Health Policy and National Adolescent Health Plan of Action**, which were developed with inputs from relevant agencies and from adolescents, is in place.

“I think adults out there, I hope all of you can listen to us. I just want to say we want a better world so we have to team up together.”
 —Female (refugee),
 Selangor, 15



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4

Education, Skills and Employment

**KEY
POINTS**

Overall, Malaysia has substantially improved access to education for adolescents; though there are groups who are more at risk of being denied education or of dropping out of school, including Orang Asli children, children with disabilities, children who are undocumented and those who are stateless, children in detention and pregnant adolescents.

In general, Malaysia has achieved well in progressing access to and educational outcomes of girls. Gender gaps in primary and secondary enrolments were eliminated more than 20 years ago,⁵⁶ and girls outperform boys in all areas of learning and at almost all levels of learning.⁵⁷ However, girls are still underrepresented in engineering, manufacturing and construction fields in tertiary education, and any advantage in education is lost when they enter the labour market.

While access has been improved, quality challenges remain, and Malaysian adolescents continue to under-perform in education in comparison to international averages.⁵⁸

Youth unemployment is high at 10.9 per cent, with youth making up almost 60 per cent of the total number of unemployed Malaysians. When they are working, youth are more likely to be employed in lower skilled jobs at lower wages.

A key cause of graduate unemployment is the mismatch between requirements in industry and what is taught at schools and universities, suggesting the need to consider how the university curriculum and technical-vocational training can do more to provide graduates with necessary skills and knowledge to gain quality jobs.

There is a considerably higher labour force participation rate (LFPR) for males than for females: 22.5 per cent compared to 13.2 per cent.⁵⁹ The low level of female LFPR is due to discrimination in the labour force, lack of flexibility to balance motherhood, work and family needs, as well as lower upward mobility.⁶⁰ Females are also in lower-paid jobs than males and the gender pay gap remains substantial.⁶¹

Around 14-16 per cent of youths aged 15-24 are more likely to be not in education, employment or training (NEET), with a considerably higher proportion of females than males who are NEET (18-21 per cent compared to 10-11 per cent).

4.1 Access to education

A survey conducted by UNICEF in 2017 found that 74 per cent of Malaysian children were concerned about education access.⁶² Most children in Malaysia receive 11 years of education, although there is a substantial number of out of school children. **Adolescents are**

more at risk of dropping out of secondary school than younger children at primary school. According to a recent analysis of the 2015 Labour Force Survey, almost one in 10 children do not attend lower secondary school (12+ to 15+) in Sabah, and non-citizens were much more likely to be out of school (69 per cent of

56 World Bank (2012), in Asadullah, M. Niaz, 'The Changing Status of Women in Malaysian Society', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 102.

57 Asadullah, M. Niaz, 'The Changing Status of Women in Malaysian Society', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 104.

58 OECD, *Results from PISA 2018: Malaysia* (2019), https://www.oecd.org/pisa/publications/PISA2018_CN_MYS.pdf

59 *Ibid.*, p. 139-140.

60 Cheong, Kee C. 'Human Capital in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 116.

61 *Ibid.*, p. 187.

62 UNICEF, 'Children4change Survey 2017: Bullying! Hurts', 20 November 2017, available at: <https://children4change.unicef.my/bullying-is-1-concern-for-children-in-malaysia-global-unicef-survey/>

non-citizens were out of school at lower secondary school level compared to only 1.8 per cent of citizens).⁶³

Overall, boys are more likely to drop out of school than girls (7.5 per cent compared to 3.7 per cent).

Poor upper-secondary school-aged boys are sometimes under pressure to leave school early and enter the labour market to support their family's income.⁶⁴

The gender discrepancy is also evident in terms of enrolment ratios and in certain measures of educational achievement.⁶⁵ In 2017, the gross enrolment rate at secondary school was 88.4 per cent for girls and 84.1 per cent for boys,⁶⁶ and for tertiary education, 45.5 per cent for females and 38.7 per cent for males.⁶⁷

There are also more women enrolling in public universities, with women constituting 63.9 per cent of enrolments for undergraduate programmes in 2017. Slightly more men than women were, however, enrolled in private universities.⁶⁸ Despite a higher enrolment rate among women in tertiary education, female LFPR remains low and gendered wage disparities remain (see section 4.4).

Female enrolment rates at public universities for fields that have traditionally been viewed as male, such as science, maths and computing have been increasing although, when private universities are also taken into account, the gender segmentation is still significant.⁶⁹ **Females are particularly under-represented in the fields of engineering, manufacturing and construction**, and there are more male graduates in vocational and information technology and communications fields. In science, however, the percentage of female graduates is 17 per cent compared to 11 per cent of males. Further, whilst there has been an increase in the enrolment rates for females in STEM-related courses (at least at public universities), there has not been a commensurate increase in

women's participation in STEM-related jobs.⁷⁰ According to the 2018 Programme for International Student Assessment (PISA), while Malaysian girls scored higher than boys in maths by seven score points (which represented a higher disparity than the OECD average), amongst high-performing students in maths or science, about two in five boys reported expecting to work as an engineer or science professional at the age of 30, while only one in seven girls reported expecting to do so.⁷¹

It has been noted that gender streaming in university education is likely associated with teaching and learning materials used in secondary schools that do not empower girls to study 'male' subjects.⁷² An analysis of the gender content of a secondary-standard English textbook published in 2018 found considerable gender disparity in the high presence of male characters in categories such as 'firstness' and 'professional occupation' and a high female representation in domestic roles. Females were overrepresented in 'teacher' and 'maid' occupations, while males were represented as doctors, managers and poets.⁷³

Certain groups of adolescents face barriers in accessing education. As set out in the main Situation Analysis, Orang Asli children, children with disabilities, children who are undocumented and those who are stateless and children in conflict with the law who have been placed in detention face barriers accessing suitable and quality education. Though there are limited data on this, it appears that pregnant teenage girls may also be denied access to mainstream education, due to the social stigma attached to teenage pregnancy.⁷⁴ There is no law or policy preventing them from accessing education, however, they are prone to dropping out due to the stigmatisation of pregnancy outside of marriage and also as they will need to re-enter school at the level corresponding to their age, meaning that they will have missed a portion of schooling and may face challenges

63 Ministry of Education Malaysia and UNICEF Malaysia, *Children out of school: The Sabah context*, 2019, p. 22.

64 Rosati, Furio, 'Can cash transfers reduce child labor?' *IZA World of Labor*, 2016, available at: <https://wol.iza.org/articles/can-cash-transfers-reduce-child-labor>

65 Population Studies Unit, *Population Statistics Malaysia 2018*, PSU, 2019, p. 18.

66 World Bank, <https://data.worldbank.org/indicator/SE.SEC.ENRR.MA?locations=MY>

67 Ibid. Note that this marks a decline in enrolment for males and females when compared to 2016.

68 Tey, Nai P. 'The State of the Youth in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 137.

69 Asadullah, M. Niaz, 'The Changing Status of Women in Malaysian Society', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 104.

70 Ibid., p. 23.

71 OECD, *Results from PISA 2018: Malaysia* (2019), https://www.oecd.org/pisa/publications/PISA2018_CN_MYS.pdf

72 Asadullah, M. Niaz, 'The Changing Status of Women in Malaysian Society', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 122.

73 Islam and Asadullah (2018) in Asadullah, M. Niaz, 'The Changing Status of Women in Malaysian Society', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 122.

74 Azlin Hilma Hillaluddin, Zarina Mat Saad, Najib Ahmad Marzuki, *Understanding Pre-Marital Pregnancy Experiences of Young Mothers in Women's Shelters: Developing a Model for Intervention*, 2013.



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catching up. Adolescents with disabilities also continue to experience difficulties in accessing education. The enrolment rate for adolescents with disabilities in secondary schools was only 64 per cent in 2016, considerably lower than the national enrolment rate (82 per cent).⁷⁵ Access to inclusive education is also likely to be a challenge for adolescents with disabilities in Malaysia, as indicated in the main Situation Analysis report; however, there are limited data on this.

Other adolescents (and indeed children generally) who may experience difficulties in accessing educational opportunities are those who are stateless. Children in Malaysia may be rendered stateless if they are born to undocumented parents. They may also be stateless as a result of complex and gender-discriminatory citizenship laws and processes.⁷⁶ Adolescents who are undocumented migrants living in Malaysia also face barriers accessing education. It should be noted,

however, that the GOM recently introduced the Zero Reject Policy, which allows undocumented children access to education.

In addition, **refugee adolescents do not have access to the State education system**; refugees are not legally recognised in Malaysia, (which is not a party to the Convention on Refugees). While some access education through community-based schools, the quality of education in these schools is uneven, with unsustainable funds, a reliance on volunteers and high staff turnover.⁷⁷ Moreover, only 44 per cent of refugee children of primary school age (6-13 years) and 16 per cent of refugee children of secondary school age (14-17 years) access community-based schools.⁷⁸

Physical access to education is also an issue in Malaysia due to unequal regional development.

Almost two-thirds of rural households in Sarawak are

75 UNESCO Institute of Statistics, in World Bank Data, *Secondary school enrolment, gross (%)* (Malaysia): <https://data.worldbank.org/indicator/SE.SEC.ENRR>

76 See Situation Analysis of Women and Children in Malaysia, section 2.

77 Yunus, R et. al., Faculty of Medicine, Universiti Teknologi Mara, Sungai Buloh campus, Selangor, '70 per cent of refugee kids do not go to school', New Straits Times, 4 August 2019, available at: <https://www.nst.com.my/opinion/letters/2019/08/510066/70-cent-refugee-kids-do-not-go-school>

78 UNHCR, *Education in Malaysia*, available at: <https://www.unhcr.org/en-au/education-in-malaysia.html>

more than four kilometres away from the nearest public secondary school. Adolescents are thus less likely to attend school and Sarawak has the lowest completion rate for secondary schools in the country.⁷⁹

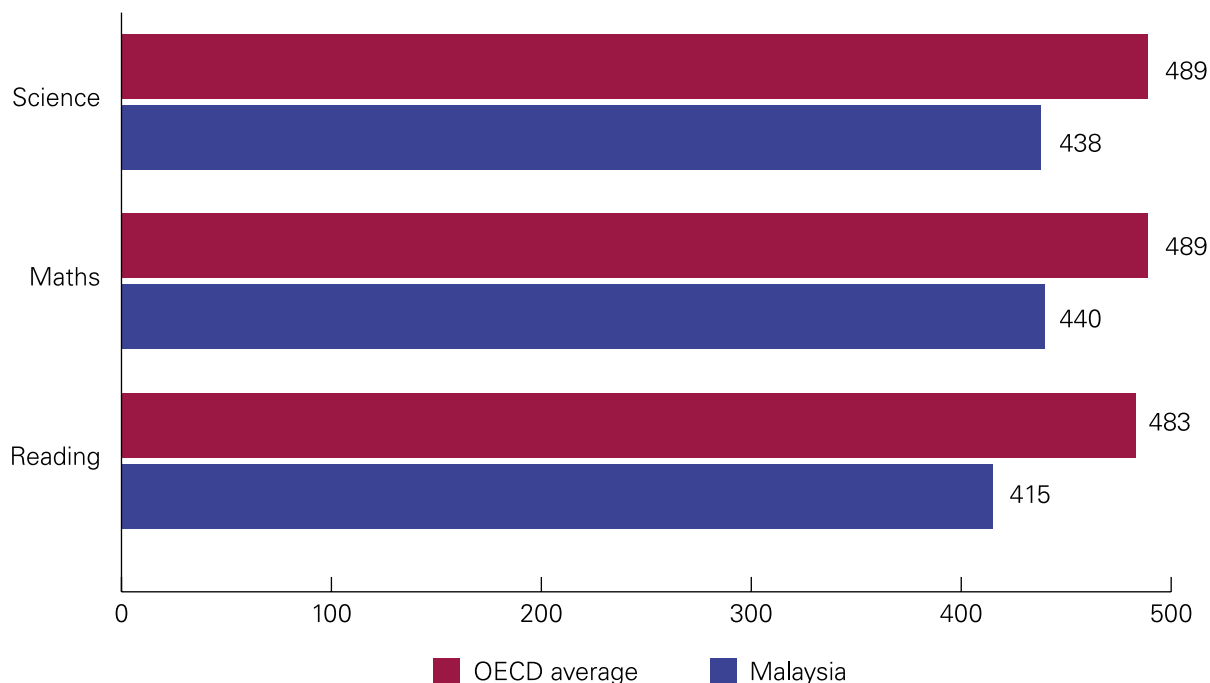
4.2 Improving learning outcomes

Quality of education is also a significant issue with almost 60 per cent of 15 year-old Malaysian students failing to meet the minimum proficiency levels.

It also appears to be an issue of concern to adolescents and young people: according to a U-Report poll carried out in 2019 involving 318 respondents, the highest number of respondents (62.9 per cent) said that quality of education was the most important challenge facing adolescents in Malaysia.⁸⁰ International tests have revealed that, while Malaysia has made

some improvements over the last ten years, Malaysian students are still under-performing in comparison to international averages. In the most recent PISA assessment (2018), 54 per cent of Malaysian students attained minimum proficiency in reading, 59 per cent in maths and 63 per cent in science, against the OECD average of 77 per cent (reading), 76 per cent (maths) and 78 per cent (science).⁸¹ Though it is noted that this represents a positive trend over the past 10 years: in 2009, almost 60 per cent of the 15 year-old Malaysian students who participated in PISA failed to meet the minimum proficiency level in maths, and 44 per cent and 43 per cent failed to meet minimum proficiency in reading and science respectively.⁸² However, while there was some improvement, Malaysian students still performed substantially lower than OECD averages in all subjects (see figure 3).

FIGURE 3: Mean PISA scores in reading, maths and science – Malaysia and OECD (2018)



Source: Schleicher, A, PISA 2018: Insights and interpretations (2019), p. 6.

79 DOSM, *Vital Statistics*, 2017, Putrajaya: Department of Statistics Malaysia, available at: https://www.dosm.gov.my/v1/index.php?r=column/cthemByCat&cat=165&bul_id=NXRCRDh0RENGeU13bC9EdzJ1cUfTz09&menu_id=L0pheU43NWJwRWVSZkiWdzQ4TihUUT09

80 UNICEF Malaysia, U-Report Poll on "Youth Aspirations For A Better Malaysia", September 2019.

81 OECD, *Results from PISA 2018: Malaysia* (2019), https://www.oecd.org/pisa/publications/PISA2018_CN_MYS.pdf

82 Ibid.

Overall, Malaysia ranked just above the bottom third of participating countries, with some countries that spend less on education ranking considerably higher. This suggests that the considerable Government spend on education in Malaysia may not be allocated to factors that have the biggest impact on learning outcomes.⁸³ In a 2013 report by World Bank,⁸⁴ it was noted that Malaysia has achieved near-universal access to at least lower secondary school, however, a commensurate increase in quality has not been achieved. The report calculated that children in Malaysia can expect to complete on average 12.2 years of schooling (pre-primary, primary and secondary) by the time they reach 18 years; however, when this is adjusted for quality, it equates to just 9.1 years – a 3.1 year deficit.⁸⁵

The report noted the poor quality of teachers as one barrier to improving quality and learning outcomes: 93 per cent of those applying to a Bachelor of Education and 70 per cent of those offered a place in the programme did not have the necessary qualifications and only three per cent of offers were granted to applicants considered high-performers. The report also noted the lack of autonomy at schools as another challenge, finding that rigidity in the syllabuses and their delivery impeded quality learning; the high degree of centralisation in the education system was also found to have impeded the efficient production and distribution of education services. In the most recent PISA assessment, school principals in Malaysia reported more staff shortage and a similar level of material shortage compared to the OECD average; 83 per cent of teachers in advantaged schools and 97 per cent in disadvantaged schools were 'fully certified'.

Poor education outcomes at schools filter through to the university level and further into the labour market, with employers and the media reporting on the poor quality of university graduates.⁸⁶

These deficiencies in the quality of human capital are, according to one expert, 'at the root of Malaysia's development challenges.'⁸⁷ Cheong lists various factors

that contribute to education shortcomings including the need to meet conflicting objectives (meritocracy and affirmative action), poor English language proficiency (and reversal of policy on teaching language), failure to address or lack of awareness of the gap between national and international standards, and lack of institutional cohesion.⁸⁸

The Malaysian Education Blueprint 2013-2025 aims to progress to a school-based management system that will encourage greater autonomy in the delivery of education, and to raise the profile of the teaching profession.

In general, Malaysia has achieved well in progressing access to and educational outcomes of girls. Gender gaps in primary and secondary enrolments were eliminated more than 20 years ago.⁸⁹ Currently, **girls outperform boys in all areas of learning and at almost all levels of learning** (basic, intermediate and advanced) including in science, maths and reading.⁹⁰ It is also worth pointing out that any advantage girls receive in terms of educational access and learning outcomes diminishes when they enter the labour market (see below).

4.3 Skills development for employability

Education plays a major role in providing children with the skills, knowledge and training to participate actively in the labour force and thus contributes significantly to human capital. Skills development appears to be a key issue of concern to adolescents and young people: in a recent U-Report poll (2019) among 318 adolescents and young people, 79.6 per cent responded that 'unemployment / life skills education' was a critical area that the Government should focus on.⁹¹ As noted earlier, there are shortcomings in educational outcomes, and **a key cause of graduate unemployment is the mismatch between requirements in industry and what is taught at schools and universities**, suggesting the need to consider how the university curriculum can do more to provide graduates with the

83 Ministry of Education Malaysia, *Malaysia Education Blueprint 2013-2025*.

84 World Bank, *Malaysia's economic monitor: High performing education* (2013).

85 Ibid.

86 Cheong, Kee C. 'Human Capital in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 187.

87 Ibid.

88 Ibid., p. 188.

89 World Bank (2012), in Asadullah, M. Niaz, 'The Changing Status of Women in Malaysian Society', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 102.

90 Asadullah, M. Niaz, 'The Changing Status of Women in Malaysian Society', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 104.

91 UNICEF Malaysia, U-Report Poll on "Youth Aspirations For A Better Malaysia", September 2019.

skills and knowledge that are needed for them to gain entry into quality work within the labour force.

There is also a surplus of university graduates. This suggests that **the role of Technical and Vocational Educational Training (TVET) is essential in Malaysia** and that it would be beneficial to increase the focus on the provision of skills and trades through TVET, alongside traditional degrees through universities.⁹² TVET programmes are offered at certificate, diploma and degree levels by seven ministries: the Ministry of Higher Education (which offers the most programmes to the largest number of students), the Education Ministry, the Youth and Sports Ministry, the Works Ministry, the Agriculture and Agro-base Ministry, the Rural Development Ministry and the Human Resources Ministry (which is responsible for overall coordination). TVET can be undertaken from the age of 16 in secondary schools and in government-run vocational colleges, and from 18 in community colleges, polytechnics and universities. TVET programmes are also offered to children in conflict with the law, for example, for those detained in Henry Gurney schools. Following efforts during the Tenth Malaysia Plan (2011-2015) to broaden access to TVET, there was an increase in enrolment in TVET programmes from 113,000 in 2010 to 164,000 in 2013.⁹³ Increases in enrolment have been seen more recently with enrolment in TVET programmes under the remit of the Education Ministry rising from 25,947 students in 2016 to 27,886 students in 2017.⁹⁴

Although enrolment in TVET programmes has increased, it remains fairly low compared to school enrolment, suggesting that it is seen as secondary to education. There are a number of reasons for this: lack of coordination between programmes and overlap in institutional mandates and responsibilities (exacerbated by the increase in private sector provision); emphasis on inputs over outputs as performance benchmarks, resulting in a disconnect between

accountability and autonomy in programme delivery; and public perception that 'TVET is the refuge of those who cannot make it in academic education'.⁹⁵ Additionally, whilst some professional courses such as medicine, engineering, law and accounting are regulated by professional bodies, some private TVET programmes are not regulated, which reduces stakeholder confidence in quality control of TVET programmes.⁹⁶

There have, however, been significant improvements in TVET, in particular the introduction of national standards and engagement with industry, and the Eleventh Malaysia Plan (2016-2020) identifies TVET as a priority in the GOM's efforts to improve human capital.⁹⁷ With the establishment of the Technical and Technology Council within the recently established Malaysian Board of Technologies, there will be oversight of TVET programmes that have academic qualifications.⁹⁸ Additionally, the government has recently highlighted TVET as requiring reform and has taken steps to improve the system. In June 2018, it consulted with civil society representatives on how to streamline and reorganise TVET. Reform of TVET is needed to reduce overlap of TVET functions amongst the different ministries and to encourage the use of TVET (as there was a 30 per cent vacancy rate in TVET institutions in 2018).⁹⁹ During 2019, the GOM will also have invested RM30 million in the TVET Prestige Fund and an additional RM20 million to raise youth competency through a TVET sponsored Bootcamp. The aim of these initiatives is to elevate TVET to the same status as traditional tertiary education.¹⁰⁰

In addition to formal education and TVET, **there are other mechanisms and initiatives that can provide skills development for employability.** Secondary and college/university students are required to take part in a variety of co-curriculum activities (clubs or societies; uniformed voluntary bodies; and sports and games) which aim to make the students well-rounded,

92 Hunter, Murray, 'Malaysia Faces Youth Unemployment Crisis', Malay Mail, 10 September 2019, available at: <https://www.malaymail.com/news/what-you-think/2019/09/10/malaysia-faces-youth-unemployment-crisis-murray-hunter/1789238>

93 Tey, Nai P. 'The State of the Youth in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 137.

94 Ministry of Education, *2017 Annual report: Malaysia Education Blueprint 2013-2025*, July 2018.

95 Cheong, Kee C. 'Human Capital in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 192-193.

96 New Straits Times, 'Students Don't Have Faith in TVET Courses', 13 September 2019, available at: <https://www.nst.com.my/news/nation/2019/06/495087/students-dont-have-faith-tvet-courses>

97 Cheong, Kee C. 'Human Capital in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 193.

98 New Straits Times, 'Students Don't Have Faith in TVET Courses', 13 September 2019, available at: <https://www.nst.com.my/news/nation/2019/06/495087/students-dont-have-faith-tvet-courses>

99 The Edge Markets, 'Government Steps Up Efforts to Reform TVET in Malaysia', 25 June 2018, available at: <https://www.theedgemarkets.com/article/government-steps-efforts-reform-tvet-malaysia>

100 Ministry of Education, 'Budget 2019: Elevating TVET', 2019, available at: <https://www.moe.gov.my/index.php/en/pemberitahuan/news-activities/3698-budget-2019-elevating-tvet>

to allow them to pursue interests, and also to assist them in developing 'soft skills' such as leadership and organisational skills. All school leavers receive a 'co-curriculum certificate' which gain them extra credit for university entry. University undergraduates are similarly required to participate in co-curriculum activities to develop their character, skills and human capital.¹⁰¹

The Eleventh Malaysia Plan highlights the potential of youth and emphasises the importance of youth development programmes. Such programmes are being implemented to 'foster dynamic leadership and develop multiple capabilities among youth through education and training, entrepreneurship, sports, and volunteerism'.¹⁰² Youth are being provided with greater access to integrated entrepreneurship development programmes, including financial and investment literacy, and university students are being encouraged to enrol in 'Back to Community' voluntary programmes which are run by NGOs, universities and companies.¹⁰³

4.4 Access to quality work opportunities

Youth (un)employment

According to the 2017 Labour Force Survey, **there were around 2.35 million young workers, accounting for just over 16 per cent of the total workforce** of 14.45 million.¹⁰⁴ Of these 2.35 million, 61 per cent were male and 39 per cent female, with around 0.44 million aged 15-19 and 1.91 million aged 20-24. The labour force participation rate for adolescents aged 15-19 was 18.1 per cent; the majority of this age group still being in education, and for those aged 20-24, it was 65.2 per cent: this is lower than those aged 25-34 as some young people are in higher education.¹⁰⁵

The main industries employing young workers are the wholesale and retail trade; manufacturing; trade and vehicle repair; agriculture; accommodation; and food and beverage service activities. More than two in 10 young workers aged 15-24 work in

services and sales, with more than half (52.8 per cent) of female adolescents aged 15-19 doing this type of work. The next most common occupations for young male workers are plant/machine operators and assemblers, elementary work (that is, low or unskilled work requiring only primary level education¹⁰⁶) and craft work. For young women, elementary work is the second most common occupation for those aged 15-19, and clerical support work for those aged 20-24.¹⁰⁷ Young male workers are more likely than females to work in agriculture and construction, whereas female young workers are more likely than males to be engaged in education, health and social services and the accommodation and food industry. Most young workers (74 per cent) are employees, 18 per cent are self-employed and just 3.8 per cent are employers. Adolescents aged 15-19 are more likely than those aged 20-24 to work unpaid for their family (13.7 per cent compared to 6.1 per cent).¹⁰⁸

As noted earlier, **the official youth unemployment rate is currently 10.9 per cent, with youth making up almost 60 per cent of the total number of unemployed Malaysians.** The unemployment rate in 2017 was highest among adolescents aged 15-19, 15.4 per cent of males and 16.3 per cent of females being unemployed. The unemployment rate for those aged 20-24 was also high at 9.6 per cent, with again a higher rate of unemployed females than males (10.3 per cent compared to 9.2 per cent).¹⁰⁹ When compared with the general population, young people are thus much more likely to be unemployed (the current youth unemployment rate is more than three times the national average). The official unemployment figure is, however, likely to be an underestimate, as noted above.

There are three main categories of unemployed youth: graduates, rural youth and urban youth. **A key cause of graduate unemployment is the mismatch between job requirements and the skills/knowledge acquired at school and university.** Further, given the large number of university places available, there is also a surplus of graduates entering the workforce. As regards

101 Tey, Nai P. 'The State of the Youth in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 138-139.

102 Ibid., p. 144-145.

103 Ibid.

104 Ibid., p. 139.

105 Ibid., p.140.

106 Critical Skills Monitoring Committee, *Critical occupations list 2018/19*, 2019, p. 9, available at: https://www.talentcorp.com.my/clients/TalentCorp_2016_7A6571AE-D9D0-4175-B35D-99EC514F2D24/contentms/img/TalentCorp_CriticalOccupationsList_TechReport_2018-2019.pdf

107 Ibid., p. 140-141.

108 Ibid., p. 141-142.

109 Ibid., p. 142.

rural youth, who often live at home with their parents and do not officially register as looking for work, they may not be included in the official statistics. Rural youth may finish school and have few skills, and often do not wish to relocate to towns to take up low-paid jobs. Further, employers in rural areas often prefer to engage older employees who are seen as more reliable and responsible. It is estimated that as many as 75,000-90,000 rural youth could be unemployed. Like rural youth, unemployment amongst urban youth is also under-reported, as many urban youths also live with their parents and are not actively seeking work. Urban youth include non-graduates who are looking for work in service industries and who have experienced job redundancies over the last few years as younger employees have been made redundant before more senior employees. In addition to retrenchments, contributing factors to their unemployment status include poor communication skills, unrealistic salary expectations, poor personal characteristics, poor English language skills and being choosy about the jobs or company they work for.¹¹⁰

When they are working, **youth employees are more likely to be employed in lower skilled jobs at lower wages.** In 2017, the estimated average median monthly salaries of adolescent employees aged 15-19 was RM1,180. For employees aged 20-24, it was estimated at RM1,400. In contrast, employees aged 35-39 brought home RM2,500. The mean income figures illustrate an even greater earning gap between young employees and those in the late 30s: a mean income of RM1,323 for those aged 15-19, RM1,643 for the 20-24-year-olds and RM3,259 for those aged 35-39. Adolescent female employees aged 15-19 earned a little less on average than their male counterparts when using both the median (RM1,100 compared to RM1,200) and mean (RM1,220 compared to RM1,381).¹¹¹ Young workers are also more likely to be affected by retrenchments during recession, as retrenchment benefits increase with seniority.¹¹²

Although youth unemployment is much higher than the national average, the Malaysian Prime Minister commented in July 2019 that the youth unemployment rate is 'a normal phenomenon faced by developing and developed nations'. He put this down to the transition process between the learning environment in education and the 'realities' of the labour market.¹¹³ This, together with the government's ideas of tackling youth unemployment through, for example, the introduction of motorcycle taxis to create jobs for younger people (met with strong criticism due to safety concerns) has led to **assertions that the government is not serious about addressing youth unemployment.**¹¹⁴ However, the GOM recently announced an initiative, 'Malaysians@ work', that aims to tackle youth unemployment by creating better employment opportunities for youth and women. The first programme under this initiative aims to support unemployed graduates who have been out of work for a year through a wage incentive of RM500 for two years, and a hiring incentive provided to employers.¹¹⁵

A final issue that is worth noting is **the brain drain that has had an effect on Malaysia's human capital.** Malaysians migrate to Singapore, Australia, Canada, New Zealand, the UK and the US, with key reasons for migration being 'career prospects' and 'social injustice' in particular. The majority of migrants come from minority groups (ethnic Chinese and Indians) and Malaysia's affirmative action policies that discriminate against these groups are likely to be at the source.¹¹⁶

Gender and other disparities in employment

While women's labour force participation has increased steadily since the 1980s, Malaysia lags behind other ASEAN countries in terms of female participation in the labour force. **There is a considerably higher labour force participation rate (LFPR) for males than for females:** 22.5 per cent compared to 13.2 per cent,

110 Hunter, Murray, 'Malaysia Faces Youth Unemployment Crisis', Malay Mail, 10 September 2019, available at: <https://www.malaymail.com/news/what-you-think/2019/09/10/malaysia-faces-youth-unemployment-crisis-murray-hunter/1789238>

111 Tey, Nai P. 'The State of the Youth in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 143.

112 Numan Afifi, *Adolescent and Youth Civic Participation in Malaysia: A Policy Review and Mapping of Young People's Civic Participation*, February 2019, p. 7-8.

113 Cited in Hunter, Murray, 'Malaysia Faces Youth Unemployment Crisis', Malay Mail, 10 September 2019, available at: <https://www.malaymail.com/news/what-you-think/2019/09/10/malaysia-faces-youth-unemployment-crisis-murray-hunter/1789238>

114 Hunter, Murray, 'Malaysia Faces Youth Unemployment Crisis', Malay Mail, 10 September 2019, available at: <https://www.malaymail.com/news/what-you-think/2019/09/10/malaysia-faces-youth-unemployment-crisis-murray-hunter/1789238>

115 'Budget 2020: Malaysians@ work initiative to reduce unemployment', 11 October 2019, <https://www.malaymail.com/news/malaysia/2019/10/11/budget-2020-malaysianswork-initiative-to-reduce-unemployment-rate/1799462>, accessed 31 January 2020.

116 Cheong, Kee C. 'Human Capital in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 190-191.

and a similar trend can be observed for those aged 20-24 where 73.6 per cent of men are in the labour force compared to 55.9 per cent of women.¹¹⁷

As shown in the figures below, Malaysia's female labour force participation rate has risen steadily over the past 40 years, though remains quite low in comparison to other ASEAN countries.

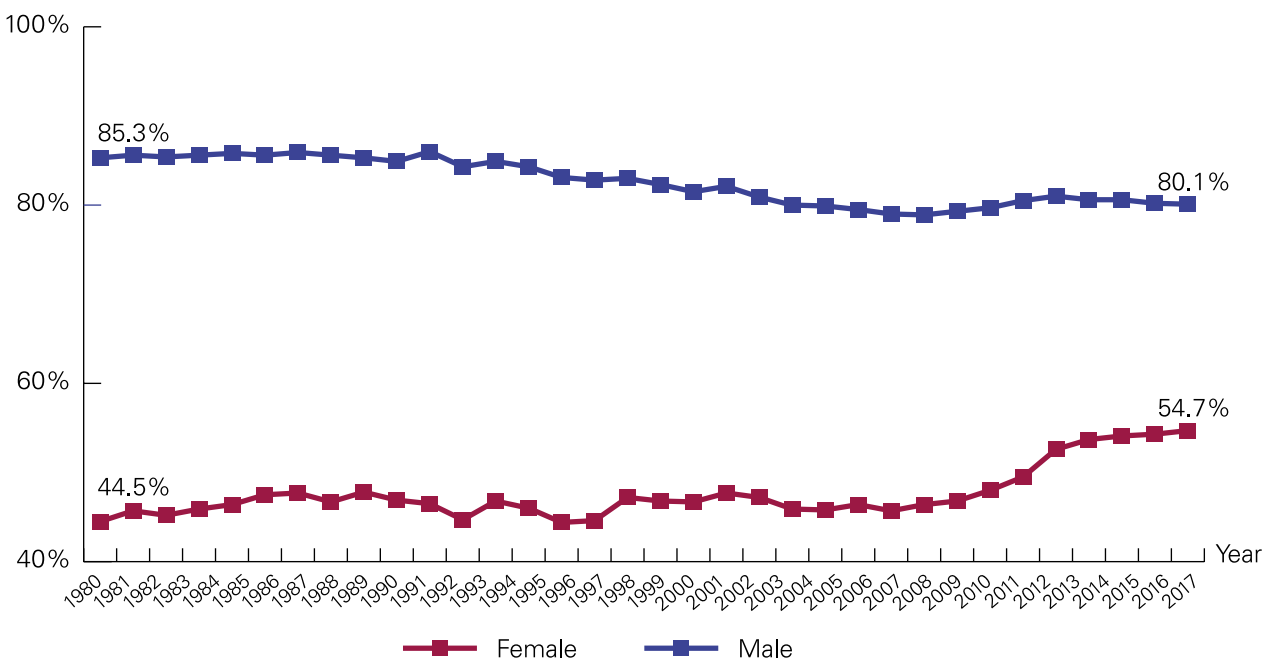
According to one estimate, around **2.3 million Malaysian women are absent from the labour market**, representing a skill and 'brain drain', impacting negatively on the ability for the GOM to reduce income inequality and drive growth.¹¹⁸

Women in rural areas have a lower LFPR than those in urban areas: 41.2 per cent compared to 48.5 per cent, suggesting greater availability of jobs for women in urban areas but also indicating other barriers such as

limited transportation options in rural areas, and safety and quality concerns relating to public transport options in less urbanised areas.¹¹⁹

Whilst there are high education enrolment rates and gender parity has been achieved in education, **more than half of females drop out of the labour force, with those who remain generally being in lower-paid jobs than males or being unemployed.**¹²⁰ Also, while the gender pay gap is narrowing, it remains substantial, especially in skilled occupations. Although the male-to-female median monthly ratio has been declining from 1.13 in 2013 to 1.01 in 2017, at higher levels of employment as a manager or an executive, women experience even higher discrepancies in pay. The same can be said for men and women with tertiary education where the ratio is not only higher but has also increased from 1.09 in 2013 to 1.13 in 2017.¹²¹

FIGURE 4: Labour Force Participation Rate by Gender, 1982-2016 (%)



Source: DOSM, Labour Force Survey Report (2018)

117 Ibid., p. 139-140.

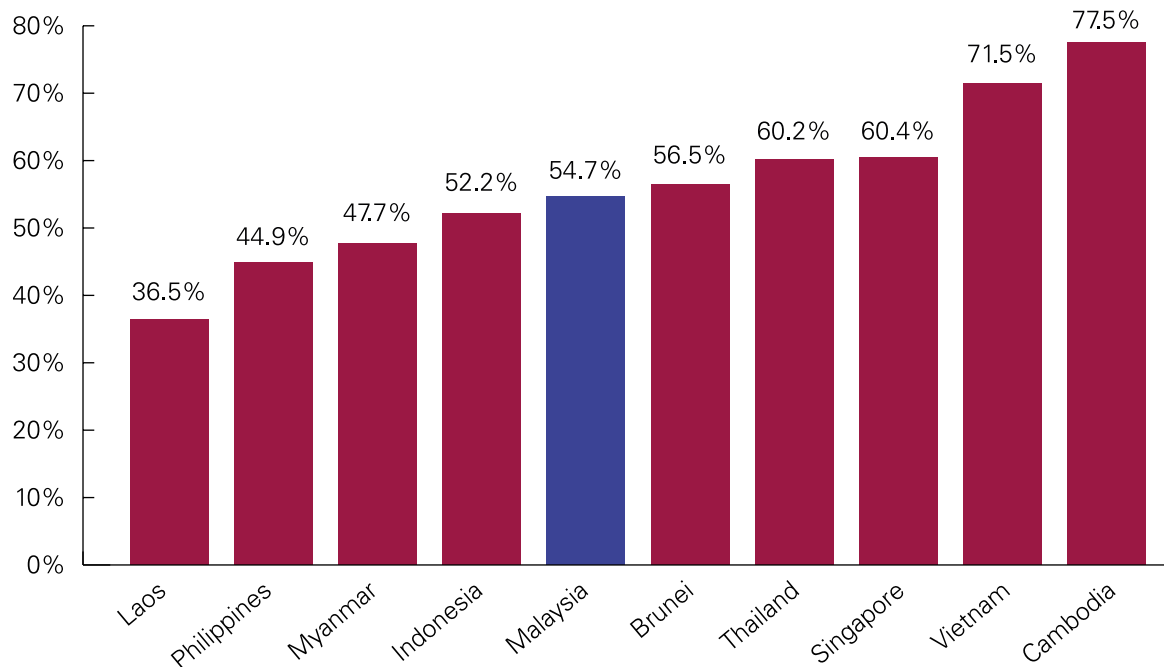
118 Asadullah, M. Niaz, 'The Changing Status of Women in Malaysian Society', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 108.

119 Ibid., p. 110.

120 Cheong, Kee C. 'Human Capital in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 187.

121 DOSM, Salaries and Wages Survey Report (2017) Putrajaya: Department of Statistics Malaysia.

FIGURE 5: Female Labour Force Participation Rates in ASEAN Countries, various years (%)



Source: DOSM, Labour Force Survey Report (2018)

The low female LFPR can be explained by three major factors: discrimination in the labour force, lack of flexibility to balance motherhood, work and family needs, as well as lower upward mobility.¹²²

Working women in Malaysia suffer a “double burden syndrome” in which they are expected to take on the responsibilities of managing their homes and caring for children and the elderly. The high cost and lack of childcare facilities and the relatively short hours of pre-primary education are therefore key barriers to women entering or returning to the workforce.¹²³

Adolescents and youth who are not in education, training or employment (NEET)

Although education up to the secondary level is free in Malaysia, and the enrolment ratios in secondary and tertiary education have been increasing, there are adolescents who drop out of school, as indicated

in section 4.1 above. Ordinarily, such adolescents would enter the labour market but there is a significant proportion of adolescents and young people who are neither in education, training or employment (NEET). Between 2010-2017, around 14-16 per cent of youths aged 15-24 were NEET, with a considerably higher proportion of females than males neither attending school, education or training (18-21 per cent compared to 10-11 per cent). The proportion of young women who had ceased to attend school but were not in training or work declined from 21.1 per cent in 2010 to 17.6 per cent in 2017 reflecting the increase in the female LFPR (see below). The most likely groups to be out of school and not working were the Bumiputera rural and East Malaysian adolescents.¹²⁴

122 Cheong, Kee C. ‘Human Capital in Malaysia’, *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 116.

123 World Bank (2012) in Cheong, Kee C. ‘Human Capital in Malaysia’, *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 187.

124 Tey, Nai P. ‘The State of the Youth in Malaysia’, *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 139.



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5

Enabling and Protective Environment

While there are gaps in the data, it is understood that thousands of child marriages (where one party is under 18 years) have taken place in the past decade. Different minimum ages of marriage apply in each of Malaysia's legal systems, and the system of granting dispensations allows adolescents to marry under the age of 18 years. Child marriage is often driven by adolescent pregnancy, and is associated with low household income, a lack of access to sex education and restrictive gender norms around girls' sexuality.

Physical abuse of children and adolescents is prevalent in the home and in schools (in the 2017 NHMS, 10 per cent of 13-17-year-olds reported being physically abused at home, with 40 per cent reporting verbal abuse); corporal punishment is not unlawful in these contexts (though it is in relation to girls in schools); data on sexual violence is lacking, though 22,134 children reported being sexually abused between 2010 and May 2017, of whom almost 60 per cent reported rape.

Bullying affects a large proportion of adolescents in Malaysia (according to the NHMS 2017, one in six adolescents had experienced bullying); it is an issue of significant concern to adolescents. A global survey conducted by UNICEF in 2017 found that 77 per cent of Malaysian children (aged between nine and 18 years) were worried about being bullied.¹²⁵

Cyberbullying or online violence is also an issue. A Worldwide Online Bullying Survey (2012) found that 33 per cent of Malaysian children (aged 8-17) had had negative online experiences such as being called names, being made fun of or being treated in a mean or unfriendly way.

According to the CyberSAFE in Schools National Survey 2013, only 52 per cent of respondents felt safe when using the internet; only 26 per cent of respondents 'definitely' knew how to keep safe and 30 per cent either did not know or 'barely' knew. Forty per cent of those who saw online safety as important nonetheless exercised low levels of online safety.¹²⁶

For children who are in conflict with the law, while Malaysia has taken some important steps to develop a child-friendly justice system, some notable gaps remain: the minimum age of criminal responsibility is 10 years,¹²⁷ which is contrary to international standards that recommend setting this age at 14 years at a minimum;¹²⁸ Malaysia's legislative framework allows for children to be punished for so-called 'status offences' (acts that would not be considered offences if committed by adults);¹²⁹ the Child Act 2001 permits children who are 'beyond control' to be placed in probation centres; Muslim children may still be sentenced to caning if the Syariah offence which they have been found guilty of provides whipping as one of the possible disposition orders;¹³⁰ corporal punishment is lawful as a disciplinary measure in penal institutions;¹³¹ and, while pre-trial and post-trial detention rates in Malaysia are moderate, 52.7 per cent of children held on pre-trial detention had been accused of non-violent, property offences, indicating that it is not used as a last resort.¹³²

125 UNICEF, 'Children4change Survey 2017: Bullying! Hurts', 20 November 2017, available at: <https://children4change.unicef.my/bullying-is-1-concern-for-children-in-malaysia-global-unicef-survey/>

126 Ibid., p. 44 and 49.

127 Article 82, Penal Code.

128 UN Committee on the Rights of the Child, General Comment No. 24 on children's rights in the child justice system (2019), CRC/C/GC/24, para. 22.

129 Ibid., para. 12.

130 The Syariah Courts (Criminal Jurisdiction) Act 1965, which applies to Muslims in all the States of Peninsular Malaysia (arts. 1 and 2), provides for Islamic courts to order whipping up to six strokes (art. 2). The Syariah Criminal Offences (Federal Territories) Act 1997 applies to Muslims in the Federal Territories of Kuala Lumpur and Labuan (art. 2), and provides for the punishment of whipping up to six strokes for the offences of false doctrine, incest, prostitution, homosexual acts and other sex offences (arts. 4, 20, 21, 22, 23, 25 and 26). The Act applies to children who have attained the age of puberty according to Islamic law (arts. 2 and 51). The Syariah Criminal Procedure (Federal Territories) Act 1997 specifies how whipping should be carried out (arts. 125 and 126).

131 Article 50, Prison Act 1995.

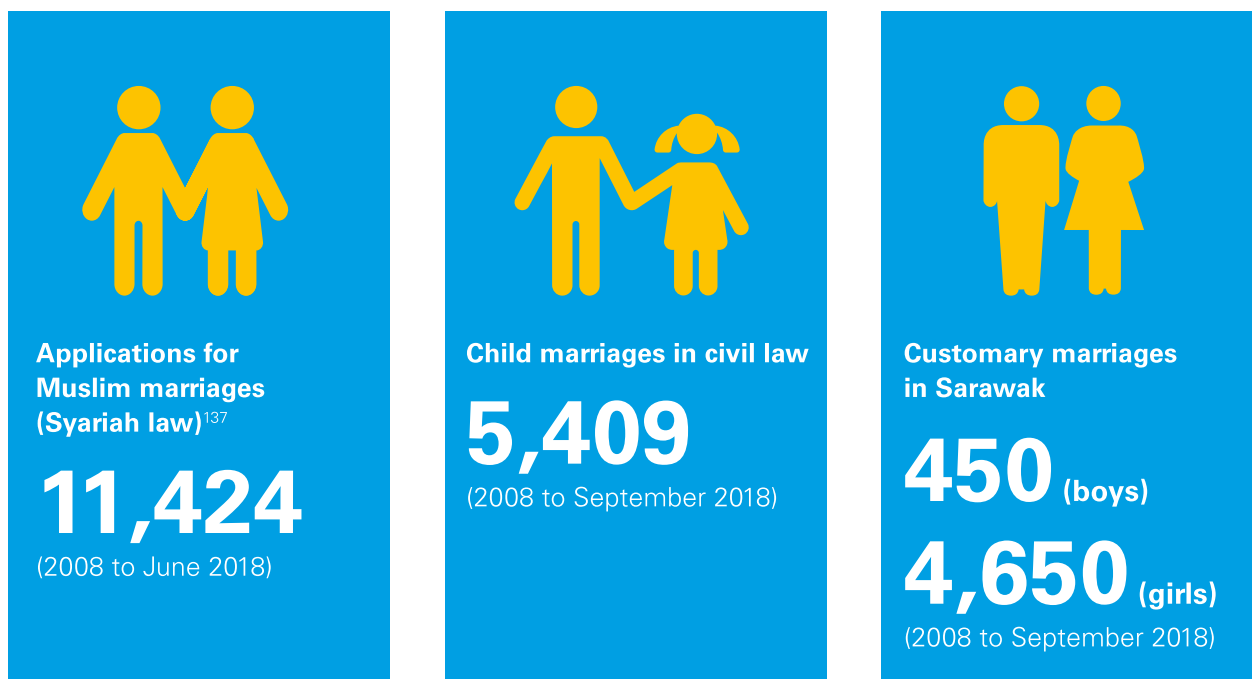
132 UNICEF, Ministry of Women, Family and Community Development, *The Malaysian Juvenile Justice System: A Study of Mechanisms for Handling Children in Conflict with the Law*, 2013.

5.1 Child marriage

Malaysia's complex legal system renders it difficult to define 'child' for the purposes of child marriage. **Civil law permits marriage for non-Muslims from the age of 18 years, although girls may marry from the age of 16 years where a license has been granted by the Chief Minister.**¹³³ Under customary law, there is no minimum age for marriage, although those under the age of 18 require parental consent. Under Islamic law, Muslim girls may marry unconditionally when they reach the age of 16 and boys may marry when they reach 18 years.¹³⁴ Children under this age may, however, get married with permission of the Syariah Court (which appears to be withheld only in a small number of cases¹³⁵); there is thus no absolute minimum age. Child marriage can place adolescents at significant risk of psychological, physical (often leading to lifelong health problems) and sexual harm. Early pregnancy, which

often either precipitates or results from child marriage can cause physical and mental harm to adolescent girls. Data on child marriage prevalence in Malaysia are incomplete, given the lack of household survey data on child marriage. According to UNICEF's 2017 State of the World's Children data set, **five per cent of males and six per cent of females aged 15-19 were married at the time the data was collected** (during a period of 2011-2016). According to administrative data from the Ministry of Women, Family and Community Development (MWFCD), the number of applications received for marriages in which at least one party was under 18, between 2008 to June 2018 are as set out in Figure 6 (though it is noted that applications for child marriage does not indicate overall prevalence of child marriages, as it does not include child marriages which take place informally – i.e. without an application – or child marriages under customary laws in Sabah):

FIGURE 6: Number of child marriage applications (2008 – June/September 2018)¹³⁶



133 Section 10, Law Reform (Marriage and Divorce) Act 1976.

134 Islamic Family Law (Federal Territories) Act 1984 and Enactment of Islamic Family Law in states.

135 UNICEF, *A Study on Child Marriage in Malaysia*, 2018. Noor Aziah Mohd Awal & Al Adib Samuri, UNICEF MALAYSIA, p. 3.

136 Malaysian House of Representatives, Answer to Question 45 by Dato' Seri Dr. Wan Azizah Dr. Wan Ismail, Deputy Prime Minister and Minister of Women, Family and Community Development in 14th Parliament session, 15 October 2018.

137 These figures includes applications in relation to both the male and female party to the marriage.



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The Malaysian Joint Action Group for Gender Equality (JAG) reported in 2015 that ‘an estimated 16,000 girls were married before the age of 15 as at October 2010’, while, in 2014, the United Nations Population Fund (UNFPA) reported ‘15,000 Malaysian girls who were married before the age of 19’.¹³⁸ According to the population censuses from 2000 and 2010, the number of ever-married 15-19 year olds (noting that this figure includes some marriages not defined as child marriage, which is marriage in which at least one person is under 18 years) has increased: from 12,109 to 73,278 for males (an increase from 1.1 per cent to 5.2 per cent), and from 54,349 to 82,034 for females (an increase from 4.9 per cent to 6.1 per cent).¹³⁹

Rural women are more likely than urban women to marry under the age of 15 and also under the age of 18.¹⁴⁰ High rates of child marriage applications to the Syariah court were found in Sarawak, Kelantan and Terengganu.¹⁴¹ Although child marriage affects Muslims more than non-Muslims, the number of non-Muslims

marrying below the age of 18 has doubled in the past four years (from 426 in 2015 to 930 in 2019).¹⁴²

According to a report by Sisters in Islam (SIS) and Asia-Pacific Resource and Research Centre for Women (ARROW), the usual driving factors for child marriage (poverty and lack of access to education) are less significant in Malaysia than elsewhere, with **most adolescents marrying below the age of 18 because of pregnancy or having had sexual relations.**¹⁴³ **A study by UNICEF found, however, that low household income and lack of access to education, did remain key drivers.**¹⁴⁴ Both studies found that social norms which restrict the acceptability of sex outside of marriage, particularly for girls, and limited child sexual and reproductive health education and health care services were key drivers: limited sex education and access to services increases the risk of adolescent pregnancy, and premarital sex is considered shameful, especially for girls / women¹⁴⁵; child marriage is thus viewed as a legitimate solution

138 Ibid., p. 19.

139 Tey, Nai P. ‘The State of the Youth in Malaysia’, *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 131-132.139137

140 Ibid., p. 132.

141 UNICEF, *A Study on Child Marriage in Malaysia*, 2018. Noor Aziah Mohd Awal & Al Adib Samuri, UNICEF MALAYSIA, p. 19.

142 Statistics from the National Registration Department (NRD), cited in Tang, A. ‘Non-Muslim child marriages on the rise’, *The Star* online, 15 July 2019, available at: <https://www.thestar.com.my/news/nation/2019/07/15/nonmuslim-child-marriages-on-the-rise>

143 SIS (Sisters in Islam) and ARROW (Asian-Pacific Resource and Research Centre for Women), *Child Marriage: Its Relationship with Religion, Culture and Patriarchy*, 2018, p. 8.

144 UNICEF, *A Study on Child Marriage in Malaysia*, 2018. Noor Aziah Mohd Awal & Al Adib Samuri, UNICEF MALAYSIA, p. 39.

145 See e.g. LPPKA and UNFPA, *Research on risk and protective factors affecting adolescents’ sexual and reproductive health in Sabah and Sarawak*, 2015, p. 42-45.

to both. Additionally, of particular concern, child marriage is sometimes used to avoid prosecution for sexual intercourse with a minor: sexual relations with a girl under 16 is statutory rape, except where intercourse takes place between a husband and wife (even where the two were not married at the time of the intercourse).¹⁴⁶ Inconsistency over the definition of 'child' in Malaysia's legal system may also be associated with child marriage in Malaysia.

There is a lack of cohesion when it comes to policy-making on child marriage. The Ministry of Women, Family and Community Development oversees the wellbeing of children but disclaims responsibility over

child marriage on the basis that Muslim marriages are governed by Syariah law. The government (elected in 2018) did, however, include a manifesto pledge to set 18 as the minimum age for marriage.¹⁴⁷ Key interventions that might help reduce child marriage include comprehensive sexual education and greater access to SRH services (believed to empower children to avoid unsafe sex and early and unwanted pregnancy),¹⁴⁸ gender-sensitive education, and awareness-raising on the harmful impacts of child marriage, along with programmes to address harmful gender norms and investments to ensure the economic empowerment of girls and women in order to address systemic gender inequality.¹⁴⁹

ADOLESCENT VOICES



A U-Report poll on child marriage of 1081 adolescents and young people (29 per cent of which were boys and 71 per cent of which were girls; and 82 per cent were under 24 years) was carried out in May 2018.¹⁵⁰



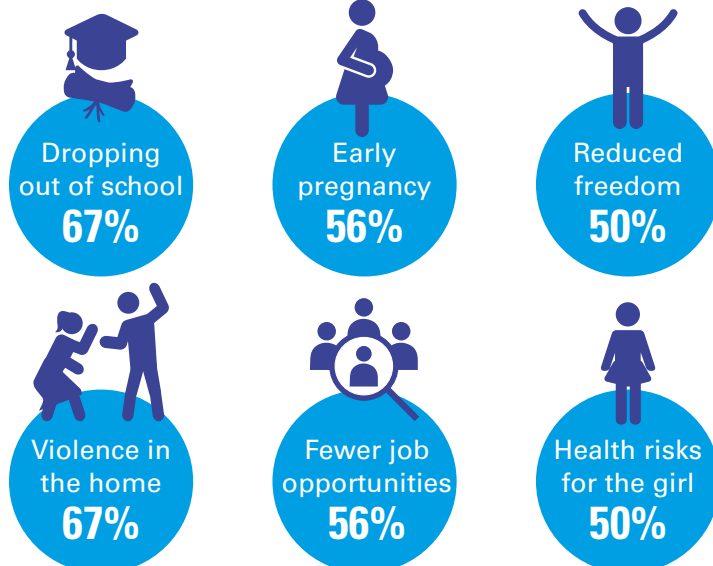
Getting married under the age of 18 was considered by the respondents as:

Unacceptable
70%

Acceptable
12%

The most cited reason for child marriage was pregnancy, followed by love and then to avoid punishment under Islamic law. The least cited reasons were boredom with school and poverty.

Respondents believed that the negative consequences of child marriage were:



146 SIS and ARROW, *Child Marriage: Its Relationship with Religion, Culture and Patriarchy*, 2018, p. 18.

147 UNICEF, *A Study on Child Marriage in Malaysia*, 2018. Noor Aziah Mohd Awal & Al Adib Samuri, UNICEF MALAYSIA, p. 4.

148 *Ibid.*, p. 39.

149 SIS and ARROW, *Child Marriage: Its Relationship with Religion, Culture and Patriarchy*, 2018, p. 9.

150 U-Report Malaysia, *Child marriage in Malaysia*, May 2018: <https://malaysia.ureport.in/v2/opinion/2795/>

5.2 Violence and abuse at home and school

Violence and abuse in the home

Adolescents are at risk of violence in the home, according to available data. In the National Health and Morbidity Survey (2017), **10 per cent of teenagers (13-17-year-olds) reported being physically abused at home, with 40 per cent reporting verbal abuse.** Marginally more boys than girls were subjected to physical abuse (13 per cent compared to 11 per cent), but the reverse was the case with verbal abuse (37 per cent boys compared to 49 per cent girls). Physical abuse declined with age (those in Form 1, i.e. 12-13-year-olds, reporting the highest prevalence rate of 18.1 per cent), but verbal abuse, which is associated with negative impacts on a child's confidence levels and self-esteem, remained high and constant with age.¹⁵¹ The highest prevalence rates of physical abuse were reported by Indian children (at 24.4 per cent), with Malay children reporting the lowest rates (at 9.9 per cent). As regards verbal abuse, the highest prevalence rates were reported by Malay children (52.3 per cent), with Chinese children reporting the lowest (29.6 per cent).¹⁵²

There were some differences between the States in terms of physical and verbal abuse. The highest rates of physical violence were reported in Selangor and the lowest in Melaka, whereas the highest rates of verbal abuse were reported in Sabah (50.1 per cent) and the lowest in Kedah (36.9 per cent). Small differences were noted between urban and rural areas for physical abuse (being slightly higher in rural areas), but there was no significant difference for verbal abuse.¹⁵³

Malaysian law does not prohibit the use of corporal punishment on children under the age of 12 in the home, where it is constitutes an act done 'in good faith for the benefit of a person under twelve years of age ... by or by consent, either express or implied, of the

guardian or other person having lawful charge of that person'.¹⁵⁴ According to a recent YouGov poll, a majority (81 per cent) of the 619 parents surveyed carry out physical discipline at home. Those who had themselves experienced physical discipline when growing up were more likely to report having inflicted it. The majority (73 per cent) felt that physical punishment was sometimes necessary. Despite these high figures, 24 per cent considered that physical punishment constituted child abuse and 18 per cent thought that corporal punishment should be made illegal.¹⁵⁵

Data on sexual violence against children are limited.

Whilst some data are published by the Royal Malaysia Police force, these data reflect reported criminal cases only and do not provide absolute numbers. They do indicate that more 13-15-year-olds than 10-12 or 16-18-year-olds are victims/survivors of (reported) rape, and that the same is the case for victims/survivors of (reported) incest. According to the Ministry of Women, Family and Community Development, 22,134 children reported being sexually abused between 2010 and May 2017, of whom almost 60 per cent reported rape. There were also 796 reported cases of incest and 6,014 reported incidents of sexual molestation. Johor reported the highest number of rape cases, Selangor the highest number of child molestation cases and Sabah the highest cases of incest. Most of the victims/survivors were girls.¹⁵⁶

Children are protected against sexual offences by the Sexual Offences Against Children Act 2017, the Penal Code and the Child Act 2001. However, the Sexual Offences Against Children Act makes it an offence to commit a sexual act against persons under the age of 18 years, irrespective of consent,¹⁵⁷ which in effect criminalises **'factually consensual' sexual acts between adolescents, which likely presents a barrier to adolescents accessing SRH information and services.**¹⁵⁸

151 Institute for Public Health, Ministry of Health, *National Health and Morbidity Survey (NHMS) 2017: Key Findings from the Adolescent Health and Nutrition Survey – Infographic booklet*, April 2018, p. 12.

152 National Health and Morbidity Survey, 2017, p. 161.

153 *Ibid.*, p. 161.

154 Article 89 of the Penal Code 1936.

155 YouGov, 'Malaysian Parents Split on Corporal Punishment in Schools', 8 July 2019, available at: <https://my.yougov.com/en-my/news/2019/07/08/malaysian-parents-split-corporal-punishment-school/>

156 Free Malaysia Today, '22,000 children sexually abused since 2010', 27 July 2017, available at: <https://www.freemalaysiatoday.com/category/nation/2017/07/27/22000-children-sexually-abused-since-2010/>

157 Part IV, Sexual and Other Offences Against Children Act 2017.

158 See IPPF and Coram International, *Qualitative research on legal barriers to young peoples' access to sexual and reproductive health and services*, 2014.

Violence in schools

The law relating to corporal punishment in schools differentiates between boys and girls. Section 5(1) of the Education (School Disciplines) Regulations 1959, as amended in 2006, strictly prohibits corporal punishment against girls,¹⁵⁹ whereas **for boys, corporal punishment is permitted, though is limited to blows with a light cane on the palm or buttocks over clothes.**¹⁶⁰ School principals have authority to cane students, although they can delegate this power, provided that there is an official appointment to this effect:¹⁶¹ this aims to protect students from punishment by other teachers. Further, the Ministry of Education expressly prohibits the use of excessive force amounting to inhumane punishment, and contravention of this rule by teachers can result in disciplinary action, as well as criminal liability for assault (section 351 of the Penal Code) or 'voluntarily causing hurt' (sections 321 of the Penal Code).¹⁶²

There is a lack of data relating to the use of corporal punishment of children in schools, particularly regarding the prevalence of the practice. The National Union of the Teaching Profession president reported that corporal punishment (usually in the form of caning) is considered the last resort and that its use is rare, as teachers have been instructed to explore other methods to deal with problematic behaviour.¹⁶³

A recent YouGov survey reported on Malaysian attitudes towards the use of corporal punishment. This survey, which polled 619 Malaysian parents, found that 47 per cent agreed that physical punishment by teachers is acceptable, with fathers more in favour of corporal punishment at school than mothers (58 per cent compared with 35 per cent). Twenty per cent of those polled considered that it should not be allowed in school.¹⁶⁴ However, according to the National Union of the Teaching Profession president, 'there is a dearth of

youth counsellors in the country who can give special attention to students with disciplinary issues – which means that teachers often have little recourse but to resort to corporal punishment to address misbehaviour in schools'.¹⁶⁵ According to data recently reported by the Education Ministry, the current ratio of students to school counsellors is 350:1 in primary schools and only 500:1 in secondary schools.¹⁶⁶ **Both socio-cultural values and lack of qualified staff (school counsellors) thus present barriers to abolishing this practice.**

Bullying

Bullying affects a large proportion of adolescents in Malaysia and appears to be an issue of significant concern to adolescents. A global survey conducted by UNICEF in 2017 found that 77 per cent of Malaysian children (aged between nine and 18 years) were worried about being bullied, in contrast, for example, to three out of 10 children in Japan.¹⁶⁷ In a recent U-Report poll of 657 adolescent students, 40 per cent of respondents reported having been bullied in school. A majority of these respondents (60 per cent) stated that they had not reported the bullying incident, and most of these students chose not to report because they did not think it would help (43 per cent) or were afraid of repercussions (39 per cent).¹⁶⁸

According to the NHMS 2017, one in six adolescents had experienced bullying (defined as receiving 'bad and unpleasant' actions such as 'teasing a lot in an unpleasant way' or being excluded from things) within the previous 30 days, with higher rates among males (18.7 per cent) than females (13.7 per cent). Pahang recorded the highest prevalence of bullying (at 22 per cent) among secondary students and Kelantan the lowest (at 12.5 per cent). As set out in the table below, bullying was most prevalent in Form 1 (at 23 per cent) and decreased with age, (10 per cent of those in Form 5 reporting bullying).¹⁶⁹

159 Education (School Disciplines) Regulations 1959, r.5(1)(a).

160 Ibid., r.5(1)(b).

161 Regulation 6 of Ikhtisas Circular Letter No 7/2003.

162 More details are provided in the main Situation Analysis of Women and Children in Malaysia.

163 New Straits Times, 'Is Malaysia ready to ban corporal punishment in schools? Experts weigh in', 28 April 2017, available at: <https://www.nst.com.my/news/nation/2017/04/234649/malaysia-ready-ban-corporal-punishment-schools-experts-weigh>

164 YouGov, 'Malaysian Parents Split on Corporal Punishment in Schools', 8 July 2019, available at: <https://my.yougov.com/en-my/news/2019/07/08/malaysian-parents-split-corporal-punishment-school/>

165 New Straits Times, 'Is Malaysia ready to ban corporal punishment in schools? Experts weigh in', 28 April 2017, <https://www.nst.com.my/news/nation/2017/04/234649/malaysia-ready-ban-corporal-punishment-schools-experts-weigh>

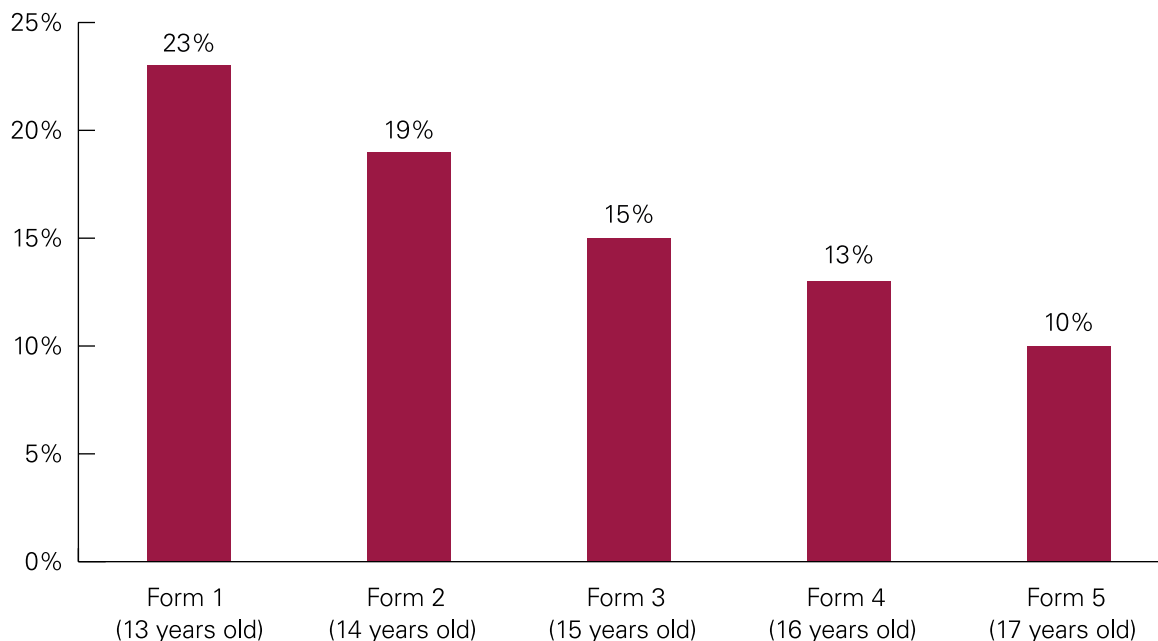
166 Rajaendram, R., 'More counsellors needed at schools', The Star Online, 4 August 2019: <https://www.thestar.com.my/news/education/2019/08/04/more-counsellors-needed-at-schools>

167 UNICEF, 'Children4change Survey 2017: Bullying! Hurts', 20 November 2017, available at: <https://children4change.unicef.my/bullying-is-1-concern-for-children-in-malaysia-global-unicef-survey/>

168 UNICEF Malaysia, #EndViolence Youth Talk U-Report Poll on Bullying, August 2018.

169 Institute for Public Health, Ministry of Health, *National Health and Morbidity Survey (NHMS) 2017: Key Findings from the Adolescent Health and Nutrition Survey – Infographic booklet*, April 2018, p. 13.

FIGURE 7: Prevalence of bullying, Form 1-5, 2017 (%)



Source: National Health and Morbidity Survey (NHMS) 2017: Key Findings from the Adolescent Health and Nutrition Surveys – Infographic Booklet, April 2018

Bullying affected Indian children more than other ethnic groups; 26 per cent of Indian children reported being bullied compared with 13.9 per cent of Chinese children. The most common form of bullying was ‘being made fun of because of how body or face looks.’¹⁷⁰

Cyberbullying or online violence is also an issue.

Although not addressed in the NHMS 2017, there are some older studies as well as more recent small-scale studies (and a U-Report poll) on the issue. A Worldwide Online Bullying Survey, conducted by Microsoft in 2012, found that 33 per cent of Malaysian children (aged 8-17) had had negative online experiences such as being called names, being made fun of or being treated in a mean or unfriendly way. There were no differences between the genders: girls and boys were equally likely to be bullied online and offline. A national survey conducted in 2013 revealed that around 25 per cent of Malaysian students had been bullied online at some point.¹⁷¹

A U-Report poll in 2019 involving 6,955 people (of which nine per cent were under 14 and 42 per cent were aged 15-19 years)¹⁷² found that 121 0-14-year-olds and 593

15-19-year-olds had been the victim of online violence or cyberbullying.

Overall, more males than females (31 per cent compared to 27 per cent) reporting that they had been targeted. Of those who had been bullied, 61 per cent reported that it had occurred through private messaging applications, the younger age groups in particular being targeted in this way (whereas more of those aged over 25 reported that their experience of bullying was shared publicly online). Four in five respondents reported that they thought online violence occurred primarily on social networks, with Facebook topping the list, followed by Instagram. There were differences between the age groups, with children and adolescents reporting that they thought online violence occurred more through Instagram, whereas the majority of those over 20 thought that Facebook was the main social medium through which online violence occurred. Other media for cyberbullying included messaging apps, online games and YouTube.

Bullying likely affects adolescents’ school attendance.

One in five respondents in the U-Report poll said that they had decided not to attend school due

170 National Health and Morbidity Survey, 2017, p. 161.

171 Referenced in UNICEF Malaysia, *Exploring the Digital Landscape in Malaysia: Access and use of digital technologies by children and adolescents*, November 2014, p. 46.

172 U-Report, ‘Cyberbullying and Online Violence in Malaysia’, 3 June 2019, available at: <https://malaysia.ureport.in/poll/3444/>

to online bullying, more in the younger age groups (0-14 – 30 per cent; 15-19 – 22 per cent) than in the older age groups and with no difference between genders.

There also appears to be a lack of help-seeking among victims of bullying. The majority (64 per cent) of respondents to the U-Report poll did not know whether there was a helpline for victims of cyberbullying or online violence. Just over half of respondents (51 per cent) considered that young people should be responsible for ending cyberbullying, with 26 per cent believing that this should be the responsibility of the government and 12 per cent had the view that schools or internet companies should be responsible. Only eight per cent responded that they had ever used digital technology to harass or bully others, the rate being higher among males (13 per cent) than females (six per cent).

Smaller-scale studies have been conducted in individual states, with some results quite inconsistent with data from the U-Report study (though it is noted that the studies are not comparable). For example, **a 2016 survey of 1,487 secondary school students in Negeri Sembilan found that 52.5 per cent had experienced online victimisation over the previous 12 months.**¹⁷³ More boys than girls were victims of online harassment (52.2 per cent compared to 43.3 per cent), but more girls than boys experienced sexual solicitation (20.8 per cent compared to 17.2 per cent).¹⁷⁴ In this survey, of 92.2 per cent of respondents who had used at least one social networking site, 32 per cent had themselves engaged in online harassment or solicitation, this being more prevalent amongst males than females (37.6 per cent compared with 27 per cent).¹⁷⁵ A 2018 survey of 375 students aged 9-17 years from four rural and four urban schools located in Selangor found a much lower prevalence of online victimisation, 12 per cent of respondents indicating that they had sometimes 'received nasty or hurtful things' and 0.3 per cent indicated that they had often 'received nasty or hurtful things'. Just 0.5 per cent reported that they had

had hurtful messages about them passed around or publicly shared on several occasions, with 8.5 per cent indicating that this had ever happened to them.¹⁷⁶

5.3 Online protection

As explored in more detail in section 7.4, the vast majority (83.2) of children aged 5-17 in Malaysia are Internet users. The digital environment is informative, creative and interactive, and thus offers adolescents the opportunity to explore their identities, learn and foster friendships. It also facilitates engagement with and participation in civic activities and decision-making (see section 7). However, **there are also various risks associated with internet usage.** These include addiction to gaming and gambling, exposure to pornography, data insecurity and breach of privacy, online scams, cyberbullying, grooming (including grooming by traffickers), sexting, harassment, and sexual solicitation and exploitation.

In 2017, six out of seven secondary school adolescents were active users of the Internet, with **two out of seven reporting being addicted to the Internet.** Internet addiction was highest among those of Chinese ethnicity, most prevalent in Kuala Lumpur and Putrajaya **and increased with age.**¹⁷⁷ An older study from 2010 found that over 50 per cent of respondents aged 14-16 spent four or more hours each week using social networking sites, playing media games and phoning or texting. Seventeen per cent spent more than 12 hours a week on these activities. Over 35 per cent of respondents spent one to 12 hours in cyber cafes, with almost three per cent spending 12 hours a week in cyber cafes.¹⁷⁸ The 2013 CyberSAFE in Schools National Survey found that almost 16 per cent of students spend 28 hours or more per week online, with 20 per cent expressing concern about becoming addicted.¹⁷⁹

The prevalence and nature of cyberbullying was discussed in section 5.2 above. As regards other risks, however, there is a lack of data on issues such

173 Marret, M.J., et al., 'Factors associated with online victimisation among Malaysian adolescents who use social networking sites: A cross-sectional study' 7(6) *BMJ Open*, 2016, p. 1, available at: <https://bmjopen.bmj.com/content/bmjopen/7/6/e014959.full.pdf>

174 *Ibid.*, p. 8.

175 *Ibid.*

176 Sarina Yusuf, Md. Salleh Hassan, Bahaman Abu Samah, et al. (2018). Parental Attachment and Cyberbullying Experiences among Malaysian Children. *Pertanika Journal of Scholarly Research*. 4(1): 67-80, p. 71.

177 Institute for Public Health, Ministry of Health, *National Health and Morbidity Survey (NHMS) 2017: Key Findings from the Adolescent Health and Nutrition Survey – Infographic booklet*, April 2018, p. 1. See also Malaysian Communication and Multimedia Commission, *Internet Users Survey*, 2017, p. 6, available at: <https://www.mcmc.gov.my/skmmgovmy/media/General/pdf/MCMC-Internet-Users-Survey-2017.pdf>

178 UNICEF Malaysia, *Exploring the Digital Landscape in Malaysia: Access and use of digital technologies by children and adolescents*, November 2014, p. 41.

179 *Ibid.*, p. 48.

as grooming and sexting, on how many children have been victim of online scams, viruses and malware, and little information on the extent of harm caused by exposure to these risks. There is also a data gap in respect of online risks to vulnerable and marginalised adolescents (and children). However, the CyberSAFE in Schools National Survey 2013 provides some data on the extent of exposure to online risk, knowledge of online safety and also what children and young people do to protect themselves. According to this study, **only 52 per cent of respondents felt safe when using the Internet.** Although over 80 per cent saw online safety as important, only 26 per cent of respondents 'definitely' knew how to keep safe and 30 per cent either did not know or 'barely' knew. Forty per cent of those who saw online safety as important nonetheless exercised low levels of online safety. Children aged 15 or under were more vulnerable to risk than those aged 16-19. Seventeen per cent were concerned about breach of privacy, and 20 per cent expressed concern about the unknown identity of people with whom they were interacting.¹⁸⁰ A more recent survey conducted

by UNICEF in 2016 that targeted 18 year-olds found that this age group recognised online risks, with 91 per cent reporting that they considered the protection of their own online security and privacy as important. Eighty-two per cent were confident online, with 70 per cent not believing that they would become victims of online bullying or abuse, but 62 per cent were of the view that their friends engaged in risky online behaviour. Seventy-seven per cent agreed that children and adolescents were in danger of online sexual abuse or exploitation. Receiving sexual comments or requests was considered more concerning for girls than boys. Almost nine in 10 said that they were aware of how to avoid dangerous or risky online situations and eight in 10 said they had learned how to deal with unwanted sexual comments or requests.¹⁸¹

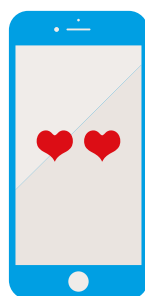
When concerned about safety, adolescents would speak to their parents, siblings or friends. A large majority (85 per cent) of 18-year-olds said they would turn to their friends if they felt unsafe online, with 76 per cent saying they would speak to their parents or caregivers

ADOLESCENT VOICES: ONLINE DATING

UNICEF ran an adolescents' poll on online dating in 2017, with 562 adolescent (aged 15-17) respondents. On the issue of dating people they had only met online:

76%

believed it was not appropriate



19%

believed it was appropriate

Those in Terengganu and Pahang states were more open to the idea of online dating than adolescents in other states.¹⁸²

¹⁸⁰ Referenced in *ibid.*, p. 44 and 49.

¹⁸¹ UNICEF, *Perils and possibilities: Growing up online (2016)*.

¹⁸² UNICEF, 'Teen Relationships: Adolescents' Poll 2017'.

and 50 per cent that they would tell a teacher.¹⁸³ Measures taken by adolescents to protect themselves include reviewing privacy settings, scanning downloaded files, not revealing personal information, not adding strangers as friends and logging off whenever using a public computer.¹⁸⁴ Whilst passwords are an important means of online protection, the 2013 CyberSAFE study found that only 50 per cent of participants did not share their passwords with anyone else, one third used the same password for multiple accounts, and one third used the same password they had always used: changing passwords for security reasons was not common.¹⁸⁵

In terms of parents' actions to ensure child online safety, an Internet Users Survey from 2017 revealed that **87.1 per cent of parents monitored their child's use of the Internet**, such as staying near their child during online activities and checking the child's browsing history and social network account. Just over 70 per cent taught their child about using the Internet safely. Only 17.2 per cent of parents installed parental control software in devices used by their child. For those who did not, 69.2 per cent said that they had their own rules and limits, 59.1 per cent had not heard of the software, 47.4 per cent claimed that they trusted their child enough that they found using the software unnecessary, 15.3 per cent reported they did not want to pay for the service and 9.5 per cent were not convinced of the effectiveness of the software.¹⁸⁶

There is no specific legislation covering online protection for children and adolescents, although there are various existing laws that are relevant.

These include the Sexual Offences Against Children Act 2017, the Child Act 2001, the Criminal Procedure Code 1976, the Domestic Violence Act 1994, the Anti-Trafficking in Persons Act 2007 and the Printing Presses and Publications Act 1984 (pursuant to which sexual and pornographic material is prohibited). Additionally, a Plan of Action on Child Online Protection has been developed by the Ministry of Women, Family and Community Development. This focuses on advocacy, prevention, intervention and support services.

Other efforts that seek to improve safety levels in Internet usage and child online protection include the Ministry of Education and the Ministry of Science, Technology and Innovation's Digi CyberSAFE programme, launched in 2009 that is a digital education programme in schools that promotes safe usage of the Internet,¹⁸⁷ the Klik Dengan Bijak (KDM) or Click Wisely programme, which aims to raise public awareness about how to use the Internet safely and responsibly, and R.AGE Against Bullying, which uses The Star newspaper to disseminate information on issues that are important for youth, including information on anti-bullying.¹⁸⁸ Despite these initiatives, however, **there remains a need to address cyberbullying and online child exploitation in particular.**

5.4 Adolescents in conflict with the law

A substantial number of adolescents come into contact with the criminal justice system, as suspects or as victims or witnesses. The vast majority of adolescents who come into conflict with the law are older, as set out in the table below (though note that the data only include those aged up to 18 years).

More boys than girls are arrested for criminal offences, consistent with global trends. This is likely a result of a complex interplay of social expectations, gender roles and responses to behaviour by boys and girls that mean boys are both more likely and more likely to be seen as being in conflict with the law.

The most common offences for which adolescents (10-18 years) are arrested are drug offences (consumption, possession and trafficking) and property offences (theft, burglary and robbery): drug-related offences represented 37 per cent of adolescent (0-18 years) arrests in 2017, property-related offences represented 30 per cent of adolescent arrests. According to international standards, children in conflict with the law shall receive special treatment at all stages of the judicial or administrative process (from investigation through to detention or alternative

183 UNICEF, *Perils and possibilities: Growing up online* (2016).

184 UNICEF Malaysia, *Exploring the Digital Landscape in Malaysia: Access and use of digital technologies by children and adolescents*, November 2014, p. 44.

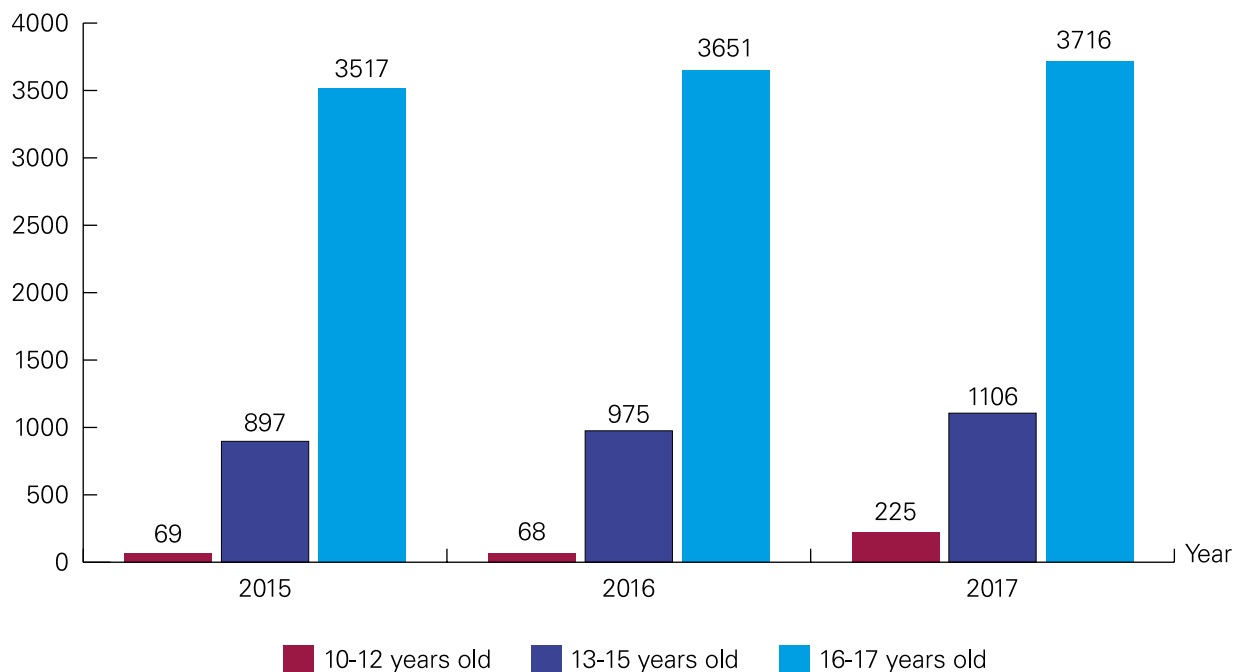
185 *Ibid.*, p. 48.

186 Malaysian Communication and Multimedia Commission, *Internet Users Survey*, 2017, p. 26-27, available at: <https://www.mcmc.gov.my/skmmgovmy/media/General/pdf/MCMC-Internet-Users-Survey-2017.pdf>

187 Nadchatram, Indra, *Teens, Youth & Digital: UNICEF Malaysia Communications & Public Advocacy*, MCO Communications, November 2015.

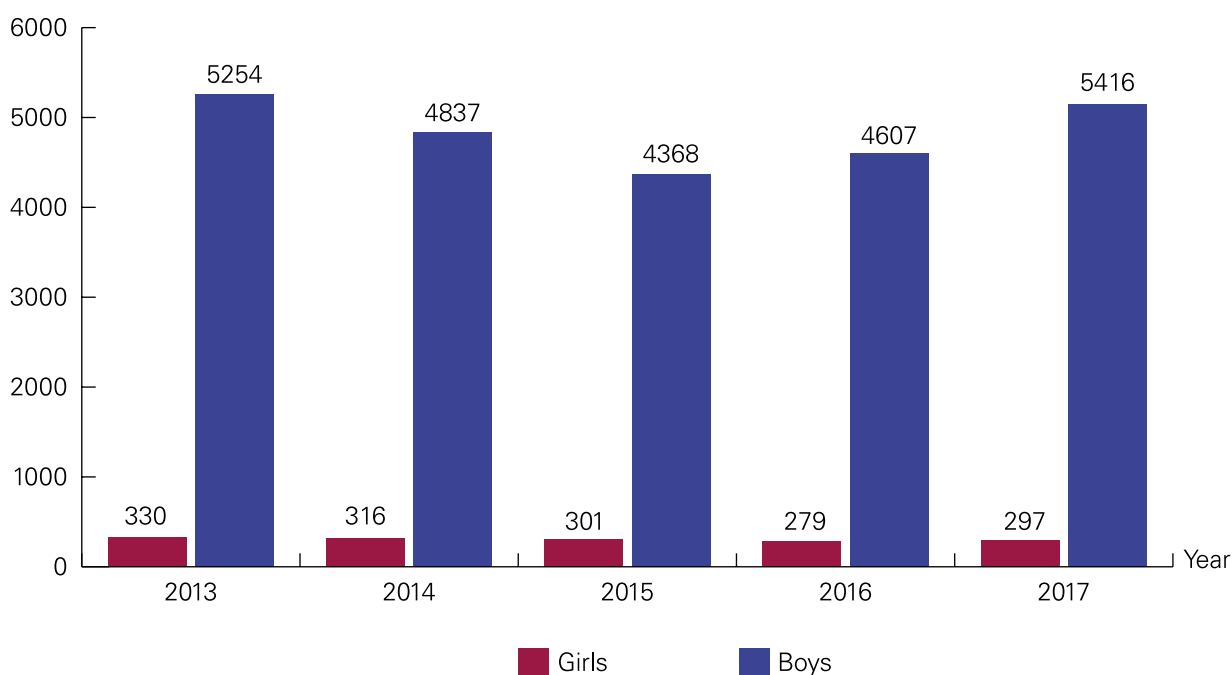
188 UNICEF Malaysia, *Exploring the Digital Landscape in Malaysia: Access and use of digital technologies by children and adolescents*, November 2014, p. 52-53.

FIGURE 8: Adolescents (10-18 years) in conflict with the law by age and year



Source: Official Statistics of the Department of Social Welfare, Ministry of Women, Family & Community Development (2015, 2016 & 2017)

FIGURE 9: Adolescents (10-18 years) in conflict with the law by sex and year



Source: Official Statistics of the Department of Social Welfare, Ministry of Women, Family & Community Development (2013-2017)

measures).¹⁸⁹ This treatment should take into account the child's age and the desirability of promoting their reintegration into society. While Malaysia has taken some important steps to develop a child-friendly justice system for adolescents in conflict with the law, some notable gaps remain, in which law and / or practice are inconsistent with international human rights standards.

The minimum age of criminal responsibility in Malaysia is 10 years.¹⁹⁰ Under the Syariah Criminal Offences (Federal Territories) Act 1997, Muslim children can be held criminally responsible from puberty. There are no age limits on prosecution under the Internal Security Act.¹⁹¹ This is contrary to international standards, which recommends establishing the minimum age of criminal responsibility and setting this age at 14 years at a minimum, though ideally higher.¹⁹²

Contrary to the CRC and to international best practices, **Malaysia's legislative framework allows for children to be punished for so-called 'status offences'** (acts that would not be considered offences if committed by adults)¹⁹³ under Part VII of the Child Act 2001, which allows for children who are considered to be 'beyond control' to be placed in probation centres or to be supervised by probation. The definition of 'beyond control' is sufficiently broad that children can be detained for disobedience, for running away from home, for engaging in romantic or sexual relationships or for drug or alcohol use.¹⁹⁴

Diversion from formal criminal procedures is an essential component of a fully-functioning, effective child justice system. Malaysia's Child Law 2001 does not contain separate provisions for diversion.¹⁹⁵ Under general criminal procedure, police and prosecutors have the discretion to divert children from the formal

justice process, however, according to a UNICEF report, **'prosecutors are not actively encouraged to divert children through discontinuing the proceedings.'**¹⁹⁶ The use and scale of diversion in practice is not known. This is a significant data gap that may reflect lack of practice or lack of knowledge.

However, some steps have been made recently to increase the use of diversion in Malaysia. According to reports from UNICEF and ASEAN, the GOM has established a **diversion programme** that will focus on counselling, rehabilitation and community service modules which will be monitored by the Department of Social Welfare (DSW).¹⁹⁷ In 2016, a Taskforce on Diversion was set up by MWFCD to develop the diversion model for Malaysia,¹⁹⁸ and the introduction of a diversion project was recently announced.¹⁹⁹

The Child Act provides for alternatives to pre- and post-trial detention including bail to parents, reprimand, good behaviour bond, probation, fine and compensation of costs.²⁰⁰ Unfortunately, it is not known to what degree these alternatives are used.

Limited data are available about the treatment and conditions in detention settings for children. However, ECPAT has raised concerns that **some children in conflict with the law may be housed alongside those who are in need of care and protection** within Children's Homes.²⁰¹

Crucially, whipping is no longer a sentencing option for children who are found guilty of committing a criminal offence. However, **Muslim children may still be sentenced to caning** if the Syariah offence which they have been found guilty of provides whipping as

189 Articles 37 and 40, CRC.

190 Article 82, Penal Code.

191 Child Rights Information Network

192 UN Committee on the Rights of the Child, General Comment No. 24 on children's rights in the child justice system (2019), CRC/C/GC/24, para. 22.

193 Ibid., para.12.

194 UNICEF, Ministry of Women, Family and Community Development, *The Malaysian Juvenile Justice System: A Study of Mechanisms for Handling Children in Conflict with the Law*, 2013.

195 UNICEF EAPRO, *Diversion not detention*, p. 14.

196 Ibid., p.43-44.

197 UNICEF and ASEAN, *Ending Violence against Children in ASEAN member States*, 2016, p. 113.

198 Ibid., p.121.

199 New Straits Times, 'Diversion' project to rehabilitate juvenile offenders', 8 November, 2019, <https://www.nst.com.my/news/nation/2018/11/429285/diversion-project-rehabilitate-juvenile-offenders>, accessed 31 January 2020.

200 UNICEF and ASEAN, *Ending violence against children in ASEAN member States*, 2016, p. 121.

201 ECPAT Submission to Universal Periodic Review on Sexual Exploitation of Children in Malaysia, 2018. <https://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-Malaysia.pdf>, p. 11.

“I think and really hope adults spend more time with their children, providing them with sufficient care and love.”

—Male, Selangor, 15, on the issue of bullying

one of the possible disposition orders.²⁰² It has also been noted that **corporal punishment is lawful as a disciplinary measure in penal institutions.**²⁰³ There is no prohibition of cruel, inhuman or degrading treatment or punishment in the Federal Constitution 1957 and Malaysia has entered a reservation to article 37 of the CRC, which prohibits torture or cruel, inhuman or degrading treatment or punishment.

There are several different types of institutions for children in conflict with the law: seven probation hostels, nine Approved Schools operated by the Department of Social Welfare, three Henry Gurney Schools, which fall under the Prisons Department, and six Juvenile Rehabilitation Centres which also fall under the Prisons Department. Only one of the Juvenile Rehabilitation Centres is not based at the same site as an adult prison.²⁰⁴ **Children can be detained post-conviction if they are given a custodial sentence, but they can also be held in detention pre-trial,**

either where this has been reviewed by a Court/ magistrate under the Child Act 2001, or by the police under the Prevention of Crime (Amendment) Act 2017 or Security Offences (Special Measures) Act. Under the Prevention of Crime (Amendment) Act 2017, for example, a police officer can hold a child in police custody for up to 60 days.²⁰⁵

A 2013 study by UNICEF found that pre-trial and post-trial detention rates in Malaysia were moderate but found that **52.7 per cent of children held on pre-trial detention had been accused of non-violent, property offences.** The study also found that 77 per cent of children who were found to have committed an offence were given alternative sentences, but that some were given long, fixed-term custodial orders for Henry Gurney or Approved Schools and others over the age of 14 years old were sentenced according to adult ‘terms of imprisonment.’²⁰⁶

202 The Syariah Courts (Criminal Jurisdiction) Act 1965, which applies to Muslims in all the States of Peninsular Malaysia (arts. 1 and 2), provides for Islamic courts to order whipping up to six strokes (art. 2). The Syariah Criminal Offences (Federal Territories) Act 1997 applies to Muslims in the Federal Territories of Kuala Lumpur and Labuan (art. 2) and provides for the punishment of whipping up to six strokes for the offences of false doctrine, incest, prostitution, homosexual acts and other sex offences (arts. 4, 20, 21, 22, 23, 25 and 26). The Act applies to children who have attained the age of puberty according to Islamic law (arts. 2 and 51). The Syariah Criminal Procedure (Federal Territories) Act 1997 specifies how whipping should be carried out (arts. 125 and 126).

203 Article 50, Prison Act 1995.

204 The Star Online, ‘Do you know about schools in prison’, 11 July 2017.

205 Free Malaysia Today, ‘Stop detaining children under POCA, SOSMA, Putrajaya urged’, January 30, 2019.

206 UNICEF, Ministry of Women, Family and Community Development, *The Malaysian Juvenile Justice System: A Study of Mechanisms for Handling Children in Conflict with the Law*, 2013.



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6

Nutrition and Health

KEY POINTS

Malaysia is recognised as currently experiencing a triple burden of malnutrition, characterised by the coexistence of stunting, obesity and anaemia.²⁰⁷ Rates of thinness (BMI for age) increased among adolescents in primary and secondary school between 2012 and 2017; rates of stunting (height for age) have decreased, though only slightly. Rates of anaemia are also high, particularly among young pregnant women.

Malaysia has the second highest obesity rate (at 12.7 per cent) among ASEAN Member States for children and adolescents aged 5-19.²⁰⁸ Increased consumption of sugar, including carbonated soft drinks, and reduced physical activity have been linked to high rates of obesity.

Limited awareness together with food insecurity, in particular in light of the relatively high cost of fresh, nutritious food, may be contributing to poor nutritional outcomes among adolescents, leading in particular to poor eating habits and poor nutritional intake.

Data indicate that adolescents lack access to sexual and reproductive health (SRH) information and services and have a low level of SRH knowledge. According to the 2014 Malaysian Population and Family Survey, less than 60 per cent of adolescents have a basic knowledge of reproductive organs and five per cent reportedly had engaged in sexual intercourse.²⁰⁹

The lack of knowledge of SRH exposes young people to the risk of sexually transmitted infections (STIs). Young people are the most vulnerable to HIV, and the proportion of reported HIV-infected persons under the age of 25 increased from 15 per cent in 2012 to 20.4 per cent in 2015.²¹⁰

There is also likely a link between the lack of knowledge of and access to SRH information and services and child marriage and teen pregnancy. Whilst the adolescent fertility rate in Malaysia is comparatively low for South-East Asia, there has been a steady increase since 2008.²¹¹

According to the NHMS, rates of depression and anxiety among adolescents increased between 2012 and 2017. The prevalence of depression among Malaysian adolescents aged 13-17 was around 20 per cent in 2017. The NHMS recorded increasing rates of all aspects of suicidal behaviour from 2012 to 2017. Suicide is criminalised in Malaysia²¹², which likely compounds stigma and acts as a barrier to help-seeking among adolescents with mental health problems.

Harmful drug use appears to be increasing among adolescents. According to the 2017 NHMS, 3.4 per cent of adolescents reported being current drug users (taking heroin, morphine, glue, amphetamine or methamphetamines, marijuana) compared to 1.5 per cent in 2012. One in 25 secondary school students reported ever having used drugs.

207 Global Nutrition Report 2018, Nutrition Country Profile: Malaysia.

208 UNICEF Malaysia, *Children Without: A Study of Urban Child Poverty and Deprivation in Low-Cost Flats in Kuala Lumpur*, February 2018, p. 50.

209 Ministry of Women, Family and Community Development and National Population and Family Development Board, *Report on key findings: fifth Malaysian population and family survey (2014)*, p. 49. The NHMS found that 7.3 per cent of 13-17-year-olds surveyed had already had sex. Institute for Public Health, Ministry of Health, *National Health and Morbidity Survey (NHMS) 2017: Key Findings from the Adolescent Health and Nutrition Survey – Infographic booklet*, April 2018, p. 6.

210 Tey, Nai P. 'The State of the Youth in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 130-131.

211 See the main Situation Analysis of Women and Children in Malaysia.

212 Section 309, Penal Code.

6.1 Nutrition

Malaysia is recognised as currently experiencing a triple burden of malnutrition, characterised by the coexistence of stunting, obesity and anaemia.²¹³

As demonstrated in Figure 10, rates of thinness (BMI for age), overweight and obesity (weight for age) have increased among adolescents in primary and secondary school between 2012 and 2017; rates of stunting (height for age) have decreased, though only slightly.

Rates of anaemia are also high, particularly among young pregnant women. A cross-sectional study conducted among 196 pregnant adolescents at health clinics in the north-west of Malaysia reported that the prevalence of anaemia among mothers with mean age 18.2 years old was 53.1 per cent. Experiences in other countries have revealed that anaemia also affects adolescent girls in particular, when they start menstruating. There is, however, a lack of data on the prevalence of anaemia amongst adolescent girls, and amongst Malaysian adolescents in general. Dietary iron intake can go some way to mitigate poor iron levels, but the 2012 Malaysia School-based Nutrition Survey revealed that girls obtained only 44.7 per cent of their recommended iron intake (compared to 57.5 per cent of boys).²¹⁴

The prevalence of obese and overweight children and adolescents is relatively high compared to countries with a similar GDP per capita as Malaysia, and **Malaysia has the second highest obesity rate (at 12.7 per cent) among ASEAN Member States for children and adolescents aged 5-19.**²¹⁵

The Adolescent Health Survey reported an obesity rate of 13.3 per cent and overweight rate of 15.2 per cent for adolescents aged 13-17 years in 2017, with higher obesity rates for the 13-15-year-olds than 16-17-year-olds (14.6 per cent compared to 11.3 per cent). Males in both age groups had higher rates of obesity than females.²¹⁶

Perlis had the highest adolescent obesity rate (at 16.3 per cent) and Sabah the lowest (at 8.6 per cent).²¹⁷ Children and adolescents who are overweight or obese are more likely to develop diseases such as diabetes and cardiovascular diseases at a younger age. Increased consumption of sugar, including carbonated soft drinks, and reduced physical activity have been linked to high rates of obesity.

According to the Adolescent Health Survey, **36 per cent of Malaysian students consumed at least one carbonated soft drink each day**, with those in rural areas drinking soft drinks, more frequently than those in urban areas (41 per cent compared to 34 per cent). More boys than girls (40 per cent to 32 per cent) and more Bumi Sarawak than other ethnicities consumed carbonated soft drinks.²¹⁸ In an attempt to reduce obesity rates, the GOM recently introduced an excise tax of 40 sen per litre on sugary drinks, together with the introduction of a healthy school breakfast programme.²¹⁹

“You really have to consume a wholesome breakfast and most important thing is I cut off sugary, sweetened and canned drinks.”

—Male, 17, Sabah

213 Global Nutrition Report 2018, Nutrition Country Profile: Malaysia.

214 For further information on nutrient intake amongst adolescents, see the main SitAn.

215 UNICEF Malaysia, *Children Without: A Study of Urban Child Poverty and Deprivation in Low-Cost Flats in Kuala Lumpur*, February 2018, p. 50.

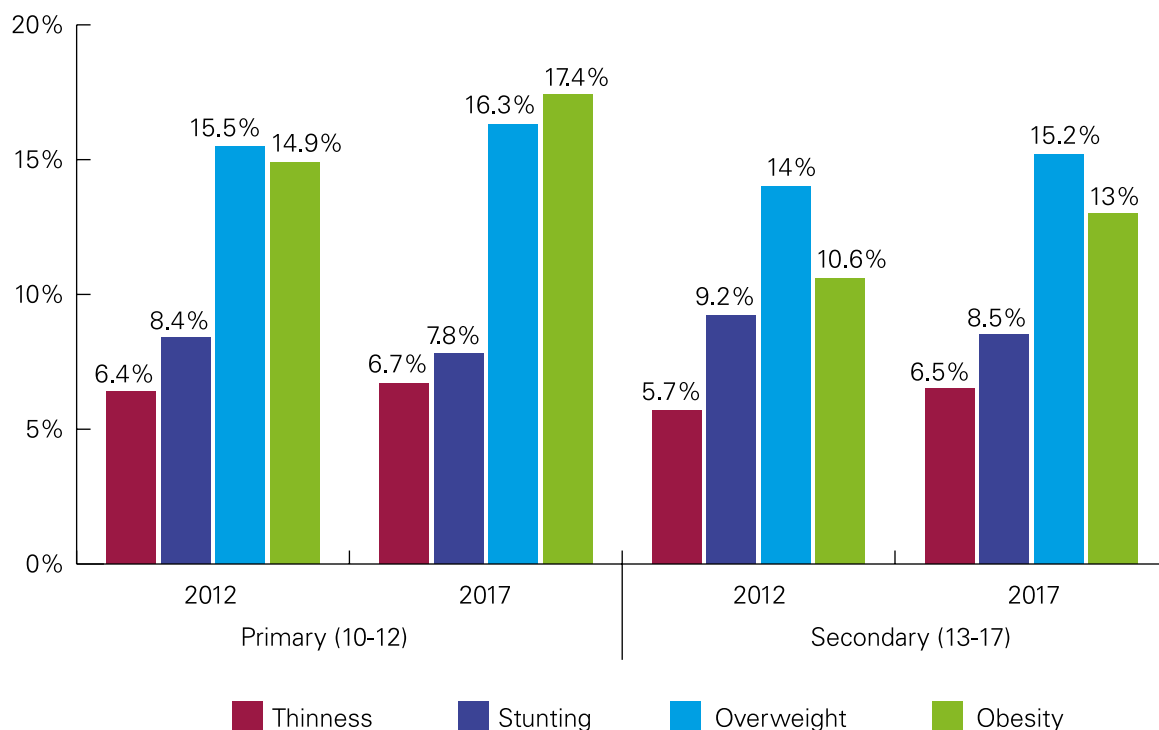
216 In the 13-15 age group, 16.9 per cent of male students were obese compared to 12.1 per cent of females, and in the 16-17 age group, 12.6 per cent of male students were obese compared to 10.1 per cent of females. *National Health and Morbidity Survey (NHMS) 2017: Adolescent Health, Malaysia and 13 states and 3 Federal Territories 2017 Fact Sheet*.

217 *National Health and Morbidity Survey (NHMS) 2017: Adolescent Health, Malaysia and 13 states and 3 Federal Territories 2017 Fact Sheet*.

218 Ibid., p. 16.

219 WHO, ‘Sugary drinks tax important first step, but obesity in Malaysia demands further action’, 3, May 2019, available at: <https://www.who.int/malaysia/news/commentaries/detail/sugary-drinks-tax-important-first-step-but-obesity-in-malaysia-demands-further-action>

FIGURE 10: Rates of thinness, stunting, overweight and obesity among adolescents, 2012 to 2017 (%)



Source: NHMS 2017: Key Findings from the Adolescent Health and Nutrition Surveys – Infographic Booklet, April 2018

As regards physical activity, **around 55 per cent of Malaysian students are not physically active:** primary school children are significantly more active than secondary school students (57 per cent compared to 37 per cent), as are boys more than girls (54 per cent compared to 35 per cent). The prevalence of activity was fairly constant across body weight status.²²⁰

The Adolescent Nutrition Survey revealed **poor eating habits on the part of adolescents.** Around 70 per cent of adolescents skipped breakfast regularly, 50 per cent skipped lunch regularly and 50 per cent skipped dinner regularly. Reasons given for skipping breakfast included having no appetite (44 per cent), having no time (32 per cent) and there being no food available (nine per cent). Just 18 per cent of adolescents ate three main meals a day, 27 per cent ate two main meals a day (mainly lunch and dinner), 24 per cent ate one meal a day,

and 31 per cent did not eat any main meals in a day.²²¹ Over 70 per cent of adolescents ate a heavy (high calorie) meal after 10pm one to six days per week, with over six per cent eating a heavy meal on a daily basis: 5.1 per cent of girls and 7.6 per cent of boys.²²² In addition, many Malaysian adolescents do not appear to have a well-balanced diet. A significant majority (92 per cent) of adolescents eat inadequate vegetables daily, 75 per cent inadequate milk and dairy products, 67 per cent inadequate fruit and 25 per cent are eating excessive amounts of poultry, meat and eggs daily.²²³

Limited awareness together with food insecurity, in particular in light of the relatively high cost of fresh, nutritious food, may be contributing to poor nutritional outcomes among adolescents, leading in particular to poor eating habits and poor nutritional intake.

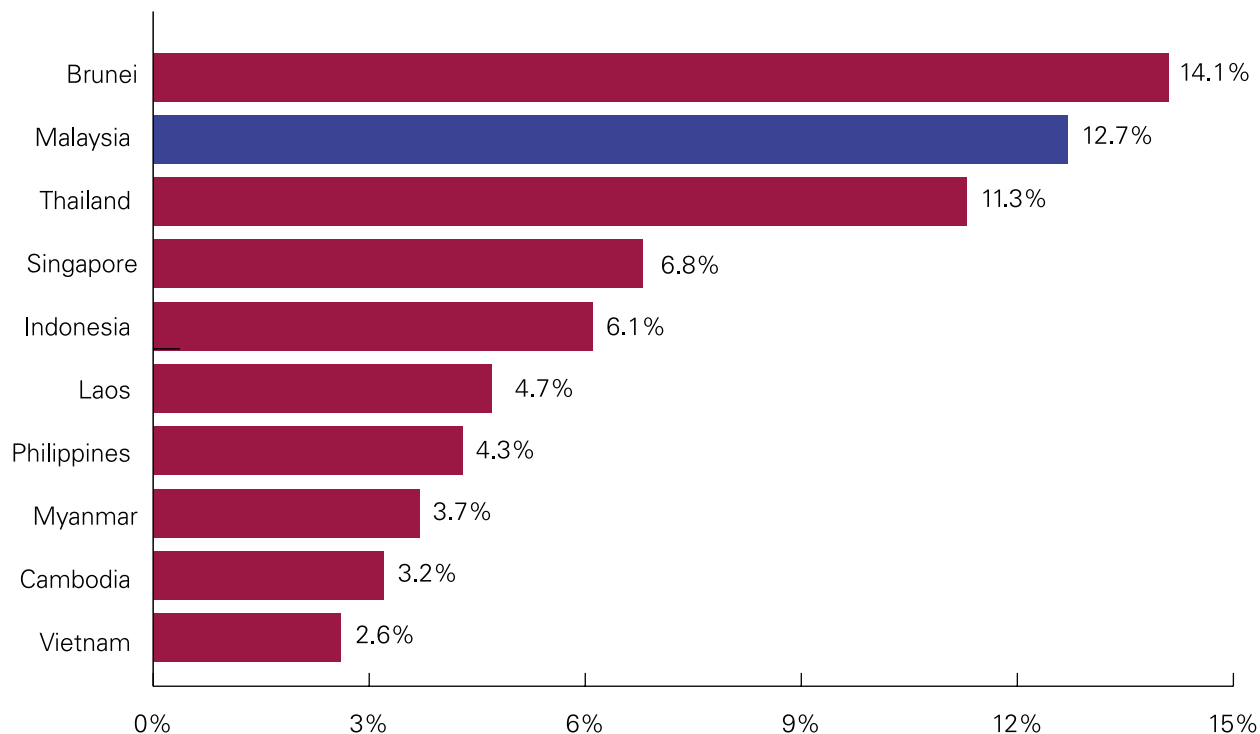
220 Institute for Public Health, Ministry of Health, *National Health and Morbidity Survey (NHMS) 2017: Key Findings from the Adolescent Health and Nutrition Survey – Infographic booklet*, April 2018, p. 19.

221 Ibid., p. 14.

222 Ibid., p. 20.

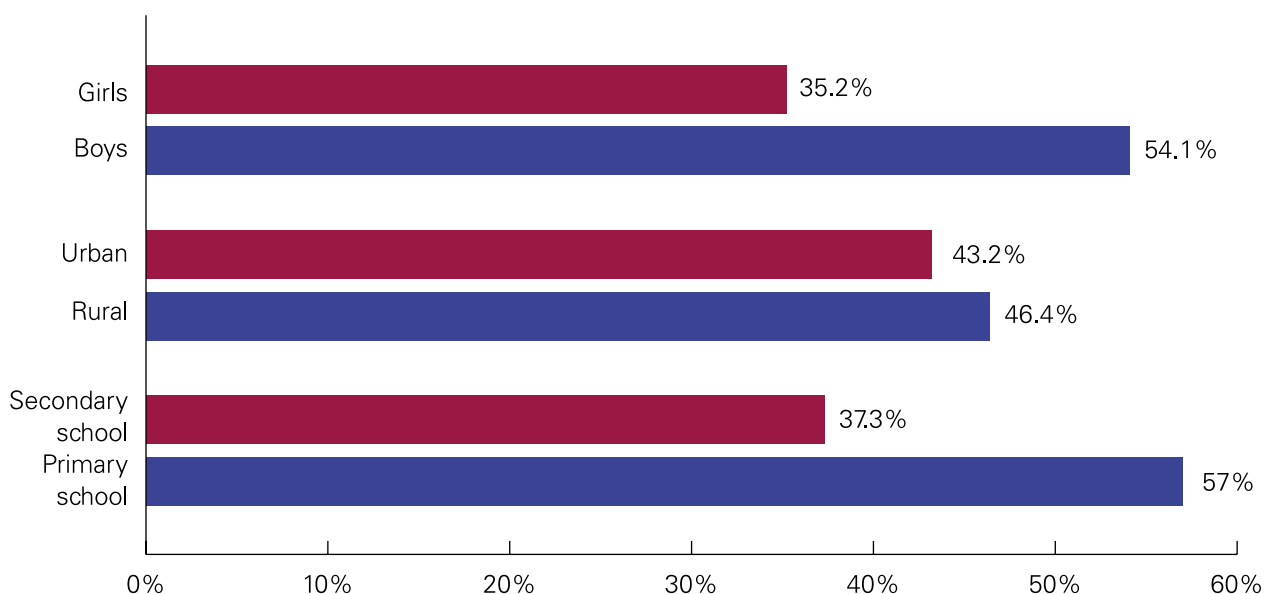
223 Ibid., p. 20.

FIGURE 11: Prevalence of obesity in ASEAN States (5-19 years)



Source: Global Health Observatory Data Repository: Prevalence of overweight, age standardisation

FIGURE 12: Proportion of physically active adolescents



Source: NHMS 2017: Key Findings from the Adolescent Health and Nutrition Surveys – Infographic Booklet, April 2018

6.2 Sexual reproductive health

Data indicates that adolescents lack access to sexual and reproductive health (SRH) information and services and have a low level of SRH knowledge.

According to the 2014 Malaysian Population and Family Survey, less than 60 per cent of adolescents have a basic knowledge of reproductive organs and five per cent reportedly had engaged in sexual intercourse.²²⁴ Only 33.7 per cent of adolescents knew that a girl could become pregnant the first time she has sexual intercourse, and only 33.3 per cent knew that condoms can prevent STIs.²²⁵ A nationwide survey involving 1,071 young Malaysians (aged 18-29 years) in October 2015²²⁶ found a very low understanding of how to prevent unplanned pregnancies and lack of awareness of methods of contraception other than condoms and the birth control pill. Ten per cent of young Malaysians believed that douching was an effective means of preventing unplanned pregnancy, 42 per cent thought that the withdrawal method was effective, and 36 per cent were not sure whether standing up during sex could prevent pregnancy. Over half (51 per cent – and more females than males) were unaware that a woman could get pregnant during her menstrual period and 35 per cent believed that a woman could not get pregnant the first time she engaged in sex. One quarter of survey respondents believed that no protection was needed where there was mutual trust between partners and 20 per cent thought that using two condoms at the same time was better than using just one.

The NHMS 2017 found that **only 12 per cent of 13-17-year-olds who had had sex reported using condoms**, and condom use was reportedly lower among boys (only nine per cent of boys compared to

16 per cent of girls reported using condoms). Putrajaya recorded the lowest prevalence for condom use (3.2 per cent) and Kelantan the highest (22.2 per cent), representing a considerable difference between states.²²⁷ Only 10 per cent of students among those who had had sex reported using another form of contraceptive (12 per cent of boys and seven per cent of girls).²²⁸ The Malaysian Population and Family Survey of 2014 found that 24.4 per cent of married women aged 15-19 used some form of contraceptive method, with 20.5 per cent using a modern method.²²⁹ Women aged 15-19 also had a high level of unmet need for contraception for birth spacing.²³⁰

Although in the 2015 nationwide survey 79 per cent reported receiving some form of SRH education from school, the Internet or friends, **62 per cent believed they had not received adequate information**. The study also found that, whilst 60 per cent of youth are aware of the requirement of consent to sex, 34 per cent were unclear on the importance of consent.²³¹ Young people also lack awareness of HIV transmission and prevention, a survey from 2014 revealing that only 40.8 per cent of young people were able to identify correctly ways of preventing the sexual transmission of HIV.²³²

The lack of knowledge of SRH exposes young people to the risk of sexually transmitted infections (STIs). Additionally, there is social stigma relating to STIs, with 10 per cent of young Malaysians reporting that they would not get tested and treated even if exposed to an STI given that it is 'shameful'.²³³

Young people are the most vulnerable to HIV, and the proportion of reported HIV-infected persons under the age of 25 increased from 15 per cent in 2012 to

224 Ministry of Women, Family and Community Development and National Population and Family Development Board, *Report on key findings: fifth Malaysian population and family survey (2014)*, p. 49. The NHMS found that 7.3 per cent of 13-17-year-olds surveyed had already had sex. Institute for Public Health, Ministry of Health, *National Health and Morbidity Survey (NHMS) 2017: Key Findings from the Adolescent Health and Nutrition Survey – Infographic booklet*, April 2018, p. 6.

225 Ibid.

226 Durex, Ministry of Women, Family and Community Development and Perspective Strategies, *Malaysian Youth Sexual and Reproductive Health Survey: Unwrapping The Truth About Malaysian Youth and Their Attitudes Towards Sex*, October 2015, available at <https://www.durex.com.my/youth-survey/>

227 Institute for Public Health, Ministry of Health, *National Health and Morbidity Survey (NHMS) 2017: Key Findings from the Adolescent Health and Nutrition Survey – Infographic booklet*, April 2018, p. 7

228 Ibid., p. 7.

229 Cited in Tey, Nai P. 'The State of the Youth in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 134.

230 Ministry of Women, Family and Community Development and National Population and Family Development Board, *Report on key findings: fifth Malaysian population and family survey (2014)*, p. 48.

231 Durex, Ministry of Women, Family and Community Development and Perspective Strategies, *Malaysian Youth Sexual and Reproductive Health Survey: Unwrapping The Truth About Malaysian Youth and Their Attitudes Towards Sex*, October 2015, available at <https://www.durex.com.my/youth-survey/>

232 Integrated Bio-Behavioural Survey 2014, cited in Tey, Nai P. 'The State of the Youth in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 130.

233 Durex, Ministry of Women, Family and Community Development and Perspective Strategies, *Malaysian Youth Sexual and Reproductive Health Survey: Unwrapping The Truth About Malaysian Youth and Their Attitudes Towards Sex*, October 2015, available at <https://www.durex.com.my/youth-survey/>

20.4 per cent in 2015.²³⁴ Previously, intravenous drug users were most at risk of contracting HIV, but sexual transmission is currently responsible for almost 80 per cent of new infections. Among young people who bear disproportionate burdens of HIV, those most at risk include MSM (men who have sex with men), transgender youth, young people who inject drugs and young sex workers. Since 1990, the profile of the HIV epidemic in Malaysia has progressively shifted, with the proportion of female/male infection increasing from 1:99 in 1990 to 1:4 in 2013.²³⁵ In 2014, 0.08 per cent of young women aged 15-24 were living with HIV.²³⁶

There is also likely a link between the lack of knowledge of and access to SRH information and services and child marriage (discussed in section 5 above) and teen pregnancy. Whilst the adolescent fertility rate in Malaysia is comparatively low for South-East Asia, there has been a steady increase since 2008.²³⁷

Childbearing at a young age leads to school dropout and low employment opportunities and is also connected to reproductive health issues. According to data from the National Registration Department, out of the approximately 532,158 children born to unmarried parents between 2010 and 2015, making these children vulnerable to being unregistered; 16,270 were born to teenage mothers.²³⁸

In addition to providing adolescents with knowledge in relation to reproductive health, comprehensive sexuality education provides information on safe sex, issues of consent, respect for others' choices and also how to identify signs of sexual abuse. In respect of the last point, a poll conducted in 2017 found that **almost 50 per cent of adolescents believed that teenagers were being pressured to have sex, a further 38 per cent responding that teenagers were 'maybe' pressured into having sex.**²³⁹ The poll found a variety

of concerns raised by respondents including sexual abuse/rape (including by a family member), grooming and threats/requests for sexually explicit photographs. A vast majority (95 per cent) responded that there was a need for education to protect against sexual abuse.

Some efforts have been made to improve SRH education and services, and the Government has expressed commitment to improving SRH education in schools.²⁴⁰ For example, in 2009, a National Adolescent Health Plan of Action (2006-2020), a National Policy on Reproductive Health and Social Education and an associated Action Plan were introduced. SRH was integrated into the National Service Training Curriculum in 2011 as well as into schools (the PEKERTI programme aimed at 12-15-year-olds), and by 2016, more than 300,00 teenagers had received training on SRH. Further, there are currently 17 youth-friendly centres, known as kafe@TEEN, which have provided access to SRH information and services to over 1.2 million youths.²⁴¹

6.3 Mental health

According to the NHMS, **rates of depression and anxiety among adolescents increased between 2012 and 2017.** The prevalence of depression among Malaysian adolescents aged 13-17 was around 20 per cent in 2017.²⁴²

The state of Selangor reported the highest rate at 22.6 per cent, and depression was slightly more prevalent among males than females (18.9 per cent compared to 17.7 per cent) and more prevalent among those of Indian ethnicity at 33.1 per cent.²⁴³ **Around 40 per cent of adolescents suffered from anxiety, with higher rates among girls than boys** (42.3 per cent compared to 37.1 per cent). Those of Indian ethnicity and Bumiputera Sabah ethnicity reported the highest rates at 47 per cent, and anxiety was more prevalent in Sabah than other states. **Stress affected around 10 per cent**

234 Tey, Nai P. 'The State of the Youth in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 130-131.

235 Ibid.

236 Asadullah, M. Niaz, 'The Changing Status of Women in Malaysian Society', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 109.

237 See the main Situation Analysis of Women and Children in Malaysia.

238 See Ruxyn, T., 'More than 530,000 innocent children are labelled as 'illegitimate' in Malaysia', *Says*, 11 November 2016: <https://says.com/my/news/more-than-530-000-illegitimate-children-registered-with-jpn>

239 UNICEF, 'Teen Relationships: Adolescents' Poll 2017.

240 See 'MOE urges schools not to take sex education lightly', *Malay Mail*, 22 February 2019: <https://www.malaymail.com/news/malaysia/2019/02/22/moe-urges-schools-not-to-take-sex-education-lightly/1725789>

241 Tey, Nai P. 'The State of the Youth in Malaysia', *Population Statistics Malaysia 2018*, Population Studies Unit (PSU), 2019, p. 145.

242 Based on DASS (Depression and Anxiety Stress Scale)-21 Scoring.

243 Institute for Public Health, Ministry of Health, *National Health and Morbidity Survey (NHMS) 2017: Key Findings from the Adolescent Health and Nutrition Surveys – Infographic Booklet*, April 2018, p. 22.

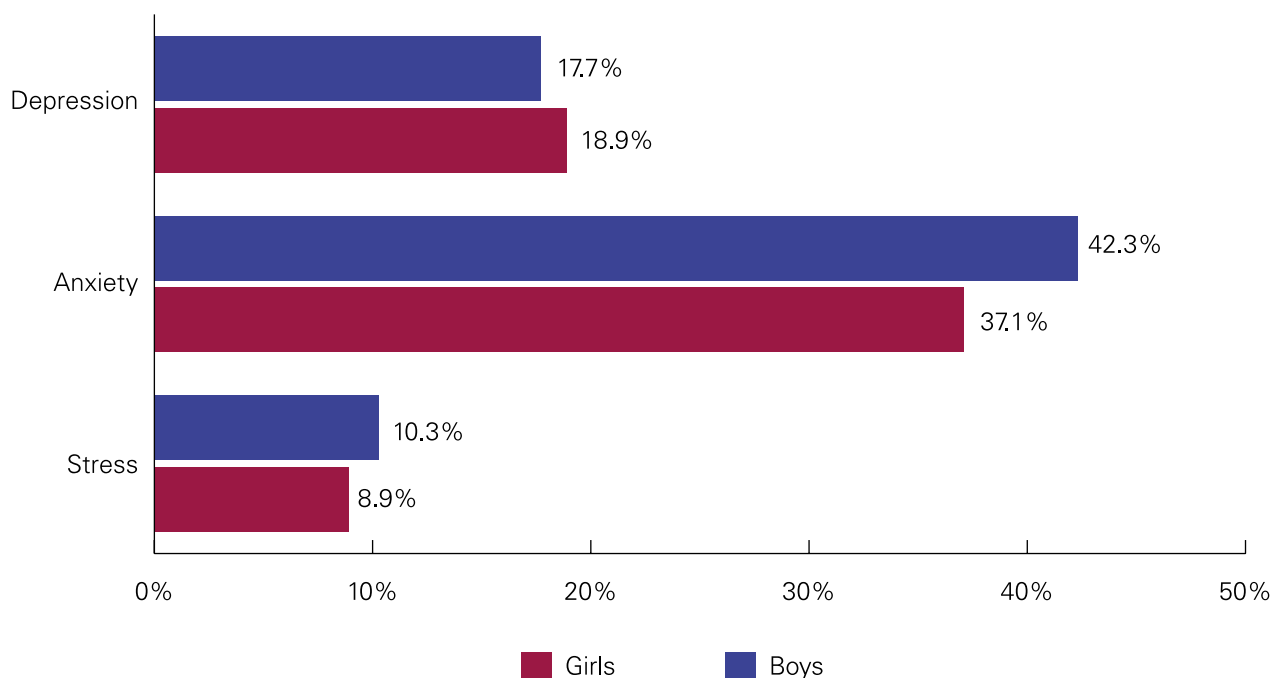
of adolescents, with Selangor and Sabah recording the highest prevalence (12.5 per cent and 12.3 per cent respectively). Again, adolescents of Indian ethnicity reported the highest stress rates (at 15 per cent), and the rate for girls was slightly higher (at 10.3 per cent) than boys (at 8.9 per cent).

There are some limited data on the prevalence of depression among refugee adolescents. **A cross-sectional study of 104 refugee adolescents aged 12-19 years found mild levels of stress, moderate levels of depression, and high levels of anxiety.** The mean score for depression was 14.31 per cent, but 46.1 per cent of the refugee adolescents reported severe (19.2 per cent) to extremely severe (26.9 per cent) anxiety levels. Female refugee adolescents reported higher levels of stress, anxiety and depression than males.²⁴⁴

Some of the main immediate risk factors for depression include loneliness and early relationship problems with peers. The NHMS revealed that 9.3 per

cent of secondary school children felt lonely 'most of the time or always'. The prevalence of loneliness was highest in Kuala Lumpur (13.4 per cent), in urban areas, among female students (10.8 per cent compared to 7.8 per cent of males) and those of Indian ethnicity.²⁴⁵ The NHMS also found that 3.6 per cent of students had no close friends, the prevalence being significantly higher among males as compared to females (4.5 per cent compared to 2.7 per cent), and highest among those of Indian ethnicity. Pahang reported the highest prevalence of having no close friends (at 5.2 per cent) and Melaka the lowest (at 2.2 per cent). There was little difference between urban and rural areas. Other factors that are linked to mental health issues include stress from homework and exams that can contribute to anxiety and feelings of helplessness, excessive internet use and cyberbullying, and bullying more generally, along with drug and alcohol misuse, traumatic or otherwise detrimental life events (such as bullying and sexual abuse) and socio-economic inequities (poverty).

FIGURE 13: Prevalence of stress, anxiety and depression among 13-17-year-olds, 2017 (%)



Source: NHMS 2017: Key Findings from the Adolescent Health and Nutrition Surveys – Infographic Booklet, April 2018

244 Low, S. K., Tan, S. A., Kok, J. K., Nainee, S., & Viapude, G. N. (2018). 'The Mental Health of Adolescent Refugees in Malaysia', 4(2) *People: International Journal of Social Sciences*.

245 Institute for Public Health, Ministry of Health, *National Health and Morbidity Survey 2017, Adolescent Health Survey 2017, Malaysia*, pp. 103 and 106.

The NHMS recorded increasing rates of all aspects of suicidal behaviour from 2012 to 2017. Suicide is criminalised in Malaysia,²⁴⁶ which likely compounds stigma and acts as a barrier to help-seeking among adolescents with mental health problems.

The prevalence of suicide ideation (self-reported thoughts of engaging in suicide-related behavior), suicide planning and suicide attempts at least once within the previous 12 months was highest among Form 1 students (12 to 13 years; 11.2 per cent – ideation; 9 per cent – plan; 10.1 per cent – attempt). Data was fairly consistent by sex (though with slightly higher rates of suicidal ideation and planning among girls). Rates were higher in urban areas, except for prevalence of suicide attempts, which was slightly lower in urban settings.

Kuala Lumpur recorded the highest percentage of students seriously considering attempting suicide (13.2) with Kelantan and Melaka reporting the lowest percentage (both 6.4 per cent). Selangor had the highest prevalence of suicidal plan (9.5 per cent) and Perak had the largest percentage of students who had attempted suicide (9.3 per cent), with Melaka reporting the lowest (3.7 per cent). Indians reported much higher rates across all three indicators of suicidal behaviour.²⁴⁷

In June 2019, the GOM launched a number of initiatives to address mental well-being and suicide prevention. These include increasing access to crisis helplines such as Befrienders (through waived call charges) and calling for a study into the decriminalisation of attempted suicide (perceived as important in facilitating access to health services by the most vulnerable). These build on existing initiatives such as the Healthy Mind Programme for mental health promotion (run by the Ministry of Health) and screening and intervention among secondary school students by the Ministry of Education.²⁴⁸ The Ministry of Health (MOH) is also in the final stages of developing a Strategic Action Plan on National Mental Health.

This action plan is scheduled to be launched, with implementation beginning in 2020. The focus of this action plan is smart partnerships between government agencies, NGOs and professional bodies who will focus on raising awareness on the importance of getting help and the treatment for mental health problems and also improving the quality of services for mental health.

6.4 Substance abuse

Harmful drug use appears to be increasing among adolescents. According to the 2017 NHMS, 3.4 per cent of adolescents reported being current drug users (this was defined as taking heroin, morphine, glue, amphetamine or methamphetamines, marijuana) in 2014 compared to 1.5 per cent in 2012. One in 25 secondary school students reported ever having used drugs. Concerningly, seven per cent of these initiated drug use at seven years or younger.

The GOM has taken a range of measures to discourage alcohol and cigarette consumption among adolescents (and the general population). It has been illegal for under 18s to smoke since the 1990s with virtually all forms of tobacco advertising, promotion, and sponsorship prohibited; it is also a requirement that health warnings are placed on the packaging of tobacco products.²⁴⁹ In December 2017 the legal age for drinking alcohol was raised from 18 to 21 with it continuing to be illegal for Muslims to purchase alcohol. As of 2016, Malaysia had the third highest tax rate on alcoholic drinks.²⁵⁰

Nonetheless, one in 10 adolescents (Form 1 to Form 5 students) reported being a current smoker, with higher rates among boys (22 per cent compared to five per cent for girls). Smoking rates among adolescents were reported to be higher in Sabah and Sarawak.²⁵¹ Also, one in 10 adolescents reported being current drinkers of alcohol. A very high 76 per cent reported having their first drink before 14 years.²⁵²

246 Section 309, Penal Code.

247 Institute for Public Health, Ministry of Health, *National Health and Morbidity Survey (NHMS) 2017: Key Findings from the Adolescent Health and Nutrition Survey – Infographic booklet*, April 2018, p. 8.

248 The Star Online, *Universal Role to Prevent Suicide*, 11 September 2019, available at: <https://www.thestar.com.my/opinion/letters/2019/09/11/universal-role-to-prevent-suicide#wVkcErUZuYmSFdS.99>

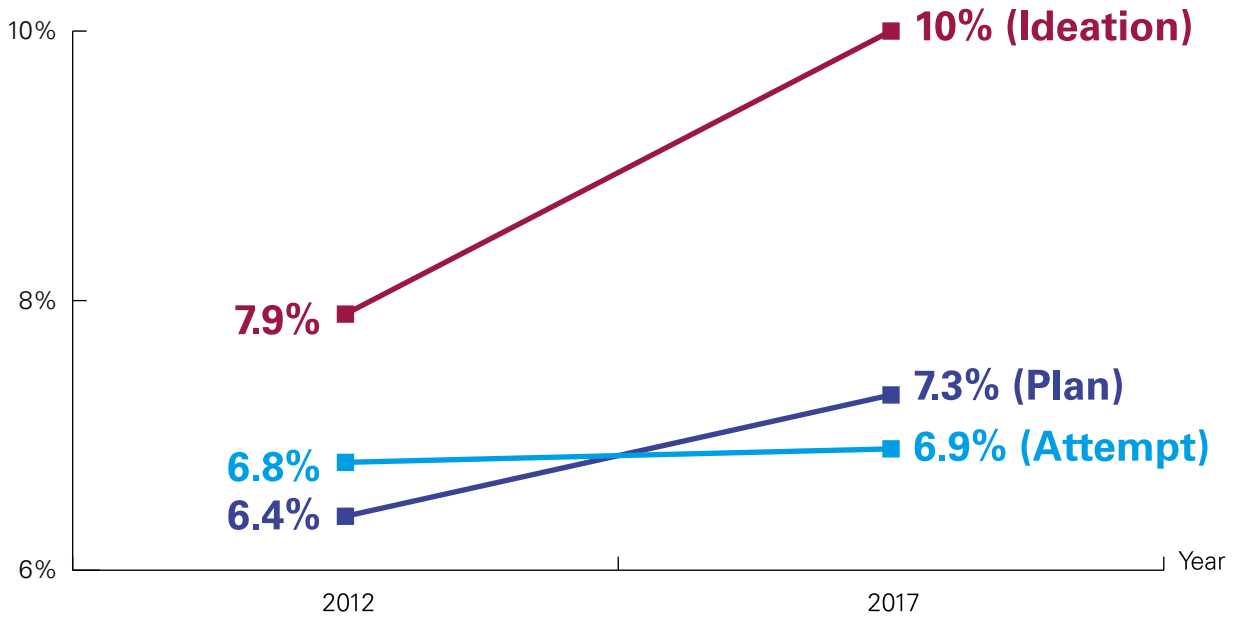
249 “Global Legal Monitor”, Library of Congress. Available at: <https://www.loc.gov/law/foreign-news/article/malaysia-ban-on-smoking-in-all-eateries-comes-into-effect/>

250 Movendi International, ‘Malaysia: Alcohol tax set to increase’, 3 March 2016, available at: <https://iogt.org/news/2016/03/03/malaysia-alcohol-tax-set-to-increase/>

251 Institute for Public Health, Ministry of Health, *National Health and Morbidity Survey (NHMS) 2017: Key Findings from the Adolescent Health and Nutrition Surveys – Infographic Booklet*, April 2018, p.4

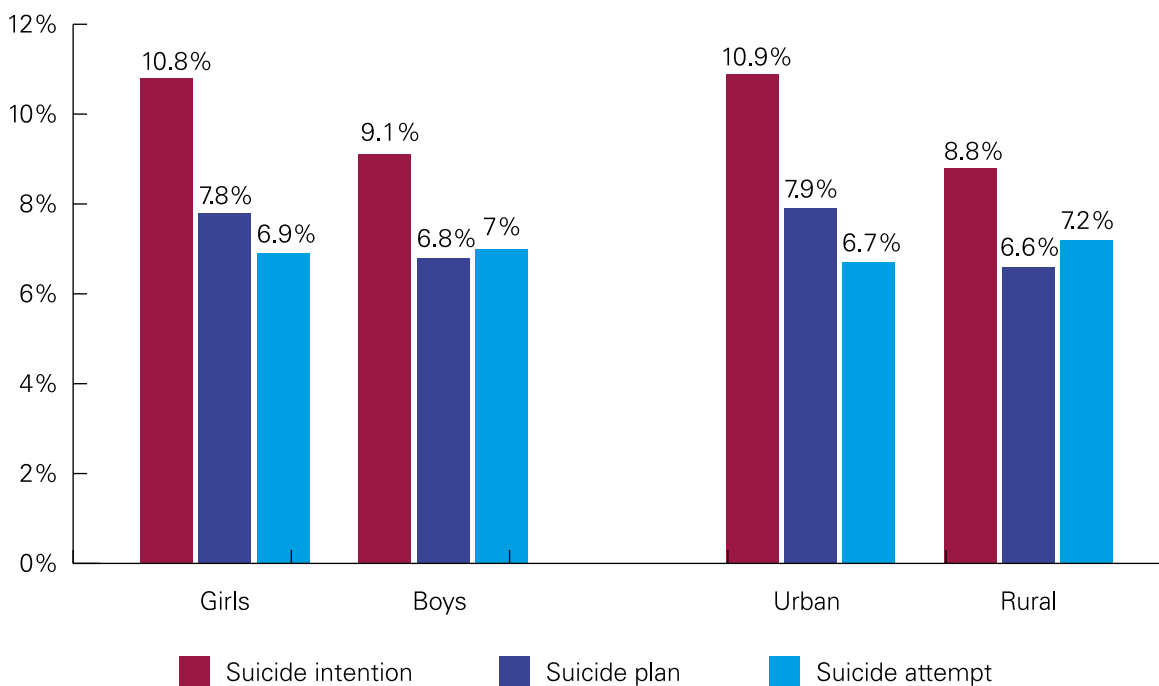
252 Ibid.

FIGURE 14: Incidence of suicide ideation, plan and attempt among 13-17-year-olds, 2012 and 2017 (%)



Source: NHMS 2017: Key Findings from the Adolescent Health and Nutrition Surveys – Infographic Booklet, April 2018.

FIGURE 15: Incidence of suicide ideation, plan and attempt among 13-17-year-olds, 2017 (%)



Source: NHMS 2017: Key Findings from the Adolescent Health and Nutrition Surveys – Infographic Booklet, April 2018



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7

Participation and Civic Engagement

KEY POINTS

The GOM has expressed commitment to youth participation and has agreed to appoint a youth representative as a senator to increase the role of youth in decision-making and also launched the 'Youth Power Club' which is intended to increase youths' participation in grassroots-level community work.²⁵³

The GOM has established a number of forums that facilitate adolescent participation, such as the Children's Representative Council (MPKK) and National Children's Council (under MoWFCD) and the Malaysian Youth Council (MBM, linked to MoYS). Other avenues include national youth forums led by children themselves (with the support of the GOM and NGOs) and the ASEAN Children's Forum, through which Malaysian adolescents aged 12-18 can join delegates from other ASEAN Member States to express views and work together towards contributing to regional development. At the national level, there is provision for a Youth and a Children's Parliament. In addition, digital platforms are growing in importance in terms of participation and civic engagement.

Limited information exists to assess how inclusive and meaningful adolescent participation is. A survey conducted in 2017 found that over half (54 per cent) of Malaysian children felt that their voice was not heard at all by leaders, or that it did not help bring about change.²⁵⁴ Discriminatory social norms can also have an impact on the ability of certain groups of adolescents to realise rights to participation. These include gender norms or perceptions of those with disabilities, adolescents from rural and remote areas, LGBTQIA+ adolescents and stateless, undocumented and refugee adolescents.

Limitations on freedom of expression may operate to prevent children's ability to express their views politically. While freedom of expression and association are constitutionally guaranteed under Article 10 of the Federal Constitution, these rights can be restricted in the interests of security, public order and/or morality. There are also a number of laws that limit freedom of expression, including the Sedition Act 1948 which has been used to punish expression on sensitive political and religious issues. The Peaceful Assembly Act 2012 prohibits all street protests and bars the participation of children under the age of 15 (as well as non-citizens) from participating in public assemblies. Youth organisations are deemed unlawful if it is for any purpose that would be 'prejudicial to or incompatible with peace, welfare, security, public order or morality in Malaysia', which could restrict civil society activities.²⁵⁵

A large proportion of Malaysia's adolescents are online: a 2013 report found that 95 per cent of the youth population is online,²⁵⁶ and an Internet Users Survey from 2017 found that 83.2 per cent of children aged 5-17 were Internet users, though there are significant differences among states in terms of Internet penetration.²⁵⁷ Adolescents primarily use the internet through smartphones to use social network sites, to get information and watch videos.²⁵⁸ Social media tools are used to express views, socialise and access entertainment.²⁵⁹ However, use of social media can also expose children to harms, such as through the dissemination of disinformation and propaganda, and through contributing to body image issues and disordered eating.²⁶⁰

253 Malaysiakini, 'Youth Representative to be Appointed to Dewan Negara', 15 May 2019, available at: <https://www.malaysiakini.com/news/476272>

254 UNICEF, 'Children4change Survey 2017: Bullying! Hurts', 20 November 2017, available at: <https://children4change.unicef.my/bullying-is-1-concern-for-children-in-malaysia-global-unicef-survey/>

255 Section 7, Societies Act 1966.

256 ITU, *Measuring the Information Society*, 2013, referenced in *IPSOS/UNICEF Youth Online Safety*.

257 UNICEF Malaysia, *Exploring the Digital Landscape in Malaysia: Access and use of digital technologies by children and adolescents*, November 2014, p. 32.

258 Malaysian Communication and Multimedia Commission, *Internet Users Survey*, 2017, p. 25, available at: <https://www.mcmc.gov.my/skmmgovmy/media/General/pdf/MCMC-Internet-Users-Survey-2017.pdf>

259 Referenced in UNICEF Malaysia, *Exploring the Digital Landscape in Malaysia: Access and use of digital technologies by children and adolescents*, November 2014, p. 42.

260 Holland, G. and Tiggermann, M., 'A systematic review of the impact of social networking sites on body image and disordered eating outcomes' 17 *Body Image* (2016), 100-110.

7.1 Access to and participation in decision-making processes

Children have a right to express their views and to have those views given due weight in accordance with age and maturity under Article 12 of the Convention on the Rights of the Child. Frequently, however, participation is not meaningful; whilst children and adolescents might express views, they are often not acted upon. The advantages of including children in formal decision-making processes include improved decision-making through discussions that are grounded in children's realities, greater understanding of children's concerns and capacities, enhanced public awareness about participation that then facilitates a culture of participation, and development of children's knowledge and skills.²⁶¹

Adolescence is a significant period of developmental change, and as such it is recognised as a time when children should be particularly encouraged to exercise their right to participation. **Adolescents should be provided with platforms and mechanisms which enable them to express their views, collate information and influence decisions on the whole range of issues,** including those that directly affect them at the local level (including family, school and community) and global issues such as climate change.²⁶² This can include shaping and developing, as well as implementing and monitoring legislation, policies, services and programmes.²⁶³ States are thus encouraged to facilitate opportunities for adolescent engagement, raise awareness among adults of the right to participate and provide support to adolescents in developing participatory mechanisms.²⁶⁴

In May 2019, Malaysia's Prime Minister declared the government's commitment to greater involvement of youth in decision-making at all levels – district, state, national and international. The government agreed to appoint a youth representative as a senator to increase the role of youth in decision-making and also

launched the 'Youth Power Club' which is intended to increase the participation of youth in grassroots-level community work.²⁶⁵ The Constitutional (Amendment) Bill 2019, which was passed in July 2019, not only lowers the minimum voting age to 18 years (from 21 years), it also includes provisions to add 18-year-olds automatically to the electoral roll and to lower the age to 18 for candidates to be eligible to stand for election to Parliament.²⁶⁶ Opportunities for political engagement have been further opened up²⁶⁷ in the Dewan Negara (the upper house of the Malaysian Parliament). The intention is to provide the younger generation a stronger voice in decision-making.²⁶⁸ These initiatives represent significant steps towards youth participation in key decision-making processes.

There are also a number of forums that facilitate child participation. Some of these have already been discussed in the main SitAn, such as the national youth forums led by children themselves (with the support of the GOM and NGOs) and the ASEAN Children's Forum, through which Malaysian adolescents aged 12-18 can join delegates from other ASEAN Member States to express views and work together towards contributing to regional development.

The Malaysian Youth Policy, which was first issued by Cabinet in 1985, and revised in 1997 and 2015 provides a framework for the delivery of youth programmes in Malaysia. The Policy recognises youth as a resource with potential to contribute to the overall development of the country and has the following goals: to increase the involvement of youth as responsible citizens in initiatives at the national, regional and international levels; to highlight the potential of each young person by celebrating diversity and difference; and to expand access to priority areas and youth development initiatives for the benefit of all target groups. However, the policy explicitly includes only a limited number of target groups (persons with disabilities; persons from minority ethnic groups;

261 Inter-Agency Working Group on Children's Participation, 'Minimum Standards for Consulting with Children', 2007, pp. 10-11.

262 UNICEF, *Conceptual Framework for Measuring Outcomes of Adolescent Participation*, 2018.

263 CRC Committee, *General Comment No.20 (2016) on the Implementation of the Rights of the Child During Adolescence*, CRC/C/GC/20, 2016.

264 Ibid.

265 Malaysiakini, 'Youth Representative to be Appointed to Dewan Negara', 15 May 2019, available at: <https://www.malaysiakini.com/news/476272>

266 The Law Library of Congress, 'Bill reducing voting age to 18 passed', 18 July 2019, available at: <https://www.loc.gov/law/foreign-news/article/malaysia-bill-reducing-voting-age-to-18-passed/>

267 The Diplomat, 'Malaysia Changes Its Voting Age', 19 July 2019, available at: <https://thediplomat.com/2019/07/malaysia-changes-its-voting-age/>

268 Malaysiakini, 'Youth Representative to be Appointed to Dewan Negara', 15 May 2019, available at: <https://www.malaysiakini.com/news/476272>

and Orang Asli youth). Notably, other marginalised or vulnerable groups, such as at-risk youth, young ex-offenders, young people living with HIV, young people with mental health conditions, young migrants / refugees and LGBTQIA+ young people are not included as target groups within the National Youth Policy.²⁶⁹

The National Youth Consultative Council (NYCC), which was formed in 1972 and is chaired by the Ministry of Youth and Sports (MoYS), is the principal body responsible for youth policy formulation in Malaysia. Its governing body includes members of the Malaysian Youth Council, State Youth Consultative Councils, representatives from key Government Ministries and experts. Its role is to monitor the implementation of the National Youth Policy, advise the MoYS on youth development issues, consult with and advise youth organisations and the State Youth Consultative Councils and coordinate planning activities of all youth organisations.²⁷⁰ The Malaysian Youth Council (Majlis Belia Malaysia / MBM) is an NGO which was formed in 1948, which plays an active role in monitoring the implementation of youth policy through the NYCC. The Malaysian Youth Council is also the coordinating body for youth and student organisations in Malaysia. All of the states of Malaysia also have a State Youth Council with the exception of Sarawak in which SABERKAS takes the place of a state youth council.²⁷¹

At the national level, there is provision for a Youth and a Children's Parliament. The Children's Parliament was outlined as part of the government's policy on participation in the National Child Policy 2009. It was intended that the Children's Parliament be formed by 2012 within the remit of the Ministry of Women, Family and Community Development, with the aim of encouraging children to express opinions on children's programming. It is not clear, however, whether this policy has been implemented. In 2014, the national radio and television agency, Radio Televisyen Malaysia (RTM), ran a television programme titled 'Mini Parliament', in which 35 children aged 8-12 years old were 'Members of Parliament'. The 13-week show – produced by a public broadcaster agency under the Ministry of Communications and Multimedia – would sometimes visit or be hosted by the Malaysian

Parliament, but it is not clear whether this was intended to fulfil the policy and whether any further measures have been in place since then.²⁷² In contrast, **the Youth Parliament, which had its first sitting on 10 January 2015, is functioning with some regularity.** The Youth Parliament simulates parliamentary proceedings and comprises 13 members aged 18-25, elected online by youth throughout Malaysia, who meet for three sessions (lasting three days) each year. Through participation in the Youth Parliament, young people gain knowledge of the workings of Parliament and government more generally.²⁷³

There is also a National Council for Children set up by the Ministry of Women, Family and Community Development, pursuant to the 2016 amendments to the Child Act. Two of Council members are children from the Children's Representative Council (Majlis Perwakilan Kanak-Kanak/ MPKK), and the aim is to promote the involvement of children in the decision-making process in matters affecting them. The Council is mandated to collect data, conduct research, to advise and make recommendations to the Government on the care, protection, rehabilitation, development and participation of children at the national, regional and international levels; develop awareness raising programmes regarding the rights and dignity of the child and the prevention of child abuse and neglect; ensure proper standards of services for the protection and rehabilitation of children; coordinate all of the Government and non-government bodies who provide services for the care, protection and rehabilitation of children and the resources for these services; coordinate and monitor the implementation of policies and national action plans; and collect and collate data and information and promote research on the care, protection and rehabilitation of children; design management systems; promote the participation of children in decision-making; and monitor the performance of Child Protection and Child Welfare Teams.²⁷⁴

The Children's Representative Council (MPKK), which sits under the MWFCDD, was established in 2011 and is a committee composed of 30 adolescents aged 13-17 years from each state in Malaysia. It operates as

269 Numan Afifi, *Adolescent and Youth Civic Participation in Malaysia: A Policy Review and Mapping of Young People's Civic Participation*, February 2019, p. 10.

270 *Ibid.*, p. 16.

271 *Ibid.*, p. 17.

272 *Ibid.*, p. 19.

273 *Ibid.*, p. 18.

274 Section 3, Child Act (Amendment) 2016 [Act 1511].



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a decentralised system, working through MPKK state-level bodies, which are composed of child members from each of the state's districts. MPKK aims to reach out to children in need of help and identify problems and solutions in order to create a better environment for children in Malaysia.²⁷⁵ There is limited information available about MPKK, making it difficult to determine the extent to which it fosters meaningful participation for adolescents and the extent to which it is inclusive and representative of adolescents from marginalised and vulnerable groups.

In addition to the platforms outlined above, **digital platforms are growing in importance in terms of participation and civic engagement.** The Committee on the Rights of the Child has noted that 'the online environment provides significant emerging

opportunities for strengthening and expanding [adolescent] engagement.²⁷⁶ Social media can be used to facilitate participation as it provides adolescents with the opportunity to express their views on issues that affect them or their communities. There are, however, significant protection risks (as discussion in section 5 above). Section 7.4 below discusses social media consumption and usage in greater detail.

A survey conducted in 2017 found that, whilst a large majority of Malaysian children felt that their opinion was appreciated by family, friends and teachers, **over half (54 per cent) of Malaysian children felt that their voice was not heard at all by leaders, or that it did not help bring about change.** The vast majority (95 per cent) were of the view that, if leaders listened to children, the world would be a better

275 MPKK, About, available at: https://www.facebook.com/pg/Majlis-Perwakilan-Kanak-kanak-Malaysia-Children-Representative-Council-822414314488694/about/?ref=page_internal

276 CRC Committee, *General Comment No.20 (2016) on the implementation of the rights of the child during adolescence*, CRC/C/GC/20, 2016.

place.²⁷⁷ This indicates that, although there are some mechanisms, there are limitations and shortcomings, as well as a number of barriers that inhibit the effective and meaningful participation of adolescents in decision-making.

Discriminatory social norms can also have an impact on the ability of certain groups of adolescents to realise rights to participation. These include gender norms or perceptions of those with disabilities, adolescents from rural and remote areas, LGBTQIA+ adolescents and stateless, undocumented and refugee adolescents. However, there is a data gap on the extent of inclusion of these groups within participation platforms. Whilst there is little direct evidence available on levels of exclusion from child participation, these norms are likely to limit active engagement in participatory platforms and may result in some children being prevented from having any role in public life, let alone meaningful participation. Platforms for adolescent participation should ensure more equitable representation between the genders and ensure that the specific needs of children with disabilities are catered for in order to encourage their participation. It should also ensure that more marginalised groups of adolescents are able to meaningfully participate, including LGBTQIA+ adolescents, indigenous adolescents, those living in rural and remote areas, undocumented, stateless and refugee adolescents.

Limitations to participation are also found in the cultural norms around the voice of adolescents and youth in Malaysian society. Controversy over change in the definition of 'youth' from 40 to 30 earlier this year highlighted the view of some in Malaysia that young people are often seen as incapable or not fully mature. A number of states, for example Johor, Selangor and Sarawak, have decided to maintain the age of 40 for youth policies despite the federal government's approach to the amendment of the Youth Societies and Youth Development Act. According to the President of the Johor state government, at the age of 40, individuals have a 'stable' political literacy as well as the capacity to build leadership qualities in highlighting issues.²⁷⁸

7.2 Skills development for personal empowerment and active citizenship

Adolescence is a period of substantial neurological development during which the brain is sensitive to rewards from taking risks. Whilst risk-taking among adolescents is often associated with negative activities and outcomes, it can also lead to innovation, active citizenship and academic achievement. It is also the time during which gender roles become entrenched and diverge, with girls' lives becoming more confined while boys' lives open up, impacting on girls' and boys' experiences and self-esteem and ultimately on their empowerment and growth. As such, there is a need to assist adolescents in skills development as well as provide them with safe opportunities for positive risk taking, to foster personal empowerment and civic engagement²⁷⁹ and to support social norms that encourage gender equality and respect for human rights. **Skills that can be developed for personal**



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277 UNICEF, 'Children4change Survey 2017: Bullying! Hurts', 20 November 2017, available at: <https://children4change.unicef.my/bullying-is-1-concern-for-children-in-malaysia-global-unicef-survey/>

278 Malaysiakini, 'Johor to Retain Youth Age Limit at 40', 8 July 2019, available at: <https://www.malaysiakini.com/news/482838>

279 United Nations Children's Fund, *UNICEF Programme Guidance for the Second Decade: Programming with and for Adolescents*, Programme Division, UNICEF, October 2018, p. 7.

empowerment and active citizenship include self-management, resilience and communication (for personal empowerment) and respect for diversity, empathy and participation (for active citizenship).²⁸⁰

Leadership and negotiation skills are also important for civic engagement, as is digital literacy, which is not only the ability to use technologies but also the social and emotional skills to ‘navigate the digital space’ responsibly and safely.

The GOM implements a range of programmes and initiatives aimed at developing skills for the personal empowerment of youth. Malaysia’s Future Leaders School (MFLS) focuses on five key elements of youth development: volunteerism, leadership, entrepreneurship, development of character and identity and patriotism. The programme initially targets 35,000 students from 15 to 17 years for ‘Tier 1’ training and development, and these students attend a 10-day intensive programme at 16 campsites across the country. Of these, 200 shortlisted candidates are selected to undergo a training programme and placed in parliamentary offices, with state assembly, ministers, chief executive officers and chairs of leading companies.²⁸¹ The Ministry of Youth and Sports also administers several initiatives aimed at developing the entrepreneurial skills of young people. The Youth Entrepreneurial Network (YEN) is a National Blue Ocean Strategy (NBOS) to promote the economic development of youth and connect young entrepreneurs with reputable agencies.²⁸² The eUsahawan Young Heroes Programme is a joint initiative by the Ministry of Youth and Sports and MDEC to empower 10,000 youths in digital entrepreneurship skills through a range of free courses and classes for Malaysians aged 18 to 40 years.²⁸³

A number of initiatives have also aimed to develop youth leadership and critical thinking skills. The International Youth Leadership Conference is a week-long youth forum organised by the Institute for Youth Research Malaysia. It aims to facilitate an exchange

of ideas across an ethnically diverse and socially responsible group of young international leaders.²⁸⁴ The Cendana Arts Education Programme is an initiative by the MOE, implemented by the Cultural Economy Development Agency (Cendana) to develop critical thinking skills and humane youth through a National Art Education Policy. It is aimed at students from standard three to six (14- to 17-year-olds) and gives priority to sub-urban, rural and special education schools, and those with B40, indigenous populations.²⁸⁵

7.3 Freedom of expression and association

Freedom of expression and association are constitutionally guaranteed under Article 10 of the Federal Constitution. However, these rights can be restricted in the interests of security, public order and/or morality. There are also a number of laws that pertain directly on the freedom of expression, including the Sedition Act 1948 which has been used to punish expression on sensitive political and religious issues. The Pakatan Harapan government, whilst pledging to repeal the Sedition Act had failed to do so, although Freedom House notes that the government has ‘generally created a more open environment for public discussion of issues that had previously been considered off limits.’²⁸⁶

In addition to the restrictions on grounds of security, public order and morality to freedom of assembly, **section 141 of the Penal Code designates an assembly of five or more persons as ‘unlawful’ on broad and general grounds,** including if the purpose of the assembly is to resist the execution of any law or legal process.²⁸⁷ Further, the Peaceful Assembly Act 2012 prohibits all street protests and bars the participation of children under the age of 15 (as well as non-citizens) from participating in public assemblies. Despite these legislative restrictions, demonstrations are held in practice, and in 2018, unauthorised

280 Ibid.

281 ‘No youth will be left behind’, The Star Online, 14 July 2019, parliamentary offices, with state assemblymen, ministers, chief executive officers and chairmen of leading companies, accessed 31 January 2020.

282 See Youth Entrepreneurial Network, <http://www.yen.gov.my>, accessed 31 January 2020.

283 eUsahawan Young Heroes Programme, <https://www.go-ecommerce.my/campaign/eusahawan-young-heroes-programme>, accessed 31 January 2020.

284 International Youth Leadership Conference, <https://www.iylc.com/malaysia/>, accessed 31 January 2020.

285 ‘Art to return to education system’, 23 August 2019, <https://www.bernama.com/en/news.php?id=1760198>, accessed 31 January 2020.

286 Freedom House, ‘Freedom in the World 2019’, available at: <https://freedomhouse.org/report/freedom-world/2019/malaysia>

287 International Center for Not-for-Profit Law, ‘Civic Freedom Monitor: Malaysia’, available at: <http://www.icnl.org/research/monitor/malaysia.html>

protesters were arrested on a number of occasions.²⁸⁸ It has not been possible to find information on whether adolescents were amongst those arrested and/or sanctioned.

Freedom of association is expressed by adolescents and youth primarily through the establishment and membership of societies. **The Societies Act of 1966 prescribes that only registered organisations may function as societies and can refuse registration** if the society is considered unlawful or is likely to be used for unlawful purposes of any purpose that would be 'prejudicial to or incompatible with peace, welfare, security, public order or morality in Malaysia', which could restrict civil society activities.²⁸⁹ Since 2018, the Liga Pemuda (Youth League) has been trying to register with the Registrar of societies; its initial application was rejected and a revised application remains under review by the Royal Malaysian Police's Special Branch.²⁹⁰

Youth societies (which can be joined from the age of 15) have to be registered under the Youth Societies and Youth Development Act with the Office of the Registrar of Youth Society, Ministry of Youth and Sports. The Youth Societies and Youth Development Act contains the same wording as the Societies Act regarding the refusal of registration.²⁹¹ According to the Registrar of Youth Society, 2.7 million youth were members of more than 10,000 approved youth societies as at 31 August 2018.²⁹²

For societies under the Societies Act 1966, **a person must be 21 years old to bear office of any society** (which does not reflect the recent change in the law relating to voting age and to standing for election to Parliament), and an adolescent under the age of 16 may require parental permission to join. Young workers

may also join trade unions (for those under 16, parental permission is required and, again, those under 21 are unable to bear office), and school and university students may join school and student societies.²⁹³ Indeed, membership of school societies is mandatory for all school students, who are required to take part in a variety of co-curriculum activities. Students of educational institutions under the age of 18 cannot be admitted as members of a trade union.

A positive recent development was the changes to the Universities and University Colleges Act of 1971 in December 2018 and the Education Institutions (Discipline) Act of 1976, which **granted students the right to take part in political activities on campus**. The amendments took effect on 18 January 2019, resulting in the discontinuing of disciplinary action against students for participation in on-campus political activities prior to this date.²⁹⁴ The Act previously limited participation in political activities on university campuses among Malaysian students.

7.4 Media and social media consumption and usage

In 2015, Malaysia's overall Internet penetration rate was 66 per cent and the mobile connection penetration rate was 137 per cent.²⁹⁵ **The Internet penetration rate had risen by 2017 to 85.7 per cent, whilst mobile phone subscription had reduced to 98.1 per cent.**²⁹⁶ A 2013 report found that 95 per cent of the youth population is online.²⁹⁷ An Internet Users Survey from 2017 found that 83.2 per cent of children aged 5-17 were Internet users. Smartphones were the most common way of accessing the Internet, 93 per cent of children using these devices for access primarily to social network sites, to get information and watch videos.²⁹⁸

288 Freedom House, 'Freedom in the World 2019', available at: <https://freedomhouse.org/report/freedom-world/2019/malaysia>

289 Section 7, Societies Act 1966.

290 International Center for Not-for-Profit Law, 'Civic Freedom Monitor: Malaysia', available at: <http://www.icnl.org/research/monitor/malaysia.html>

291 Section 9(3), YSYD Act 2007.

292 Referenced in Numan Afifi, *Adolescent and Youth Civic Participation in Malaysia: A Policy Review and Mapping of Young People's Civic Participation*, February 2019, p. 14.

293 Numan Afifi, *Adolescent and Youth Civic Participation in Malaysia: A Policy Review and Mapping of Young People's Civic Participation*, February 2019, p. 13.

294 International Center for Not-for-Profit Law, 'Civic Freedom Monitor: Malaysia', available at: <http://www.icnl.org/research/monitor/malaysia.html>

295 Nadchatram, Indra, *Teens, Youth & Digital: UNICEF Malaysia Communications & Public Advocacy*, MCO Communications, November 2015.

296 Department of Statistics, https://www.dosm.gov.my/v1/index.php?r=column/cthree&menu_id=b0hkt3VkSDZBc3RiRzY0V001RDJKdz09

297 ITU, *Measuring the Information Society*, 2013, referenced in IPSOS/UNICEF *Youth Online Safety*.

298 Malaysian Communication and Multimedia Commission, *Internet Users Survey*, 2017, p. 25, available at: <https://www.mcmc.gov.my/skmmgovmy/media/General/pdf/MCMC-Internet-Users-Survey-2017.pdf>



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A report from 2014 found that **there are significant differences among states in terms of Internet penetration.** Whilst there was an overall Internet penetration rate of 67.3 per cent in Q1 2014, Kuala Lumpur had 115.7 per cent penetration, whilst Kelantan had only 41.2 per cent.²⁹⁹ As for mobile connection penetration, although differences were found between provinces, states with the lowest penetration levels still had high rates of penetration. The Communication and Multimedia Commission reported a significant divide between urban and rural residents in terms of Internet adoption in 2016/17, 76.3 per cent of urban dwellers accessing the Internet compared with just 56.9 per cent of those in rural areas.³⁰⁰

There were over 31,000 hotspot locations across Malaysia in 2014, facilitating access to the Internet from mobile phones and tablets.³⁰¹ Fifty-nine per cent of the population had active social media accounts and 49 per cent had active mobile social accounts in 2015.³⁰² **Malaysia had the 4th highest number of 'digital natives' (youths aged 15-24 with at least five years of active internet use) in the world.**³⁰³ Those aged 20-24 were the greatest users of the Internet at 24 per cent, followed by the 30-39 age group.³⁰⁴ In 2016, those under 20 constituted 13 per cent of Internet users, whilst those aged 20-34 made up 53.6 per cent.³⁰⁵ A Handphone User Survey from 2012 found that youth (aged 15-24) made up almost 29 per cent of all cell phone users, and according to Google, smartphone

299 UNICEF Malaysia, *Exploring the Digital Landscape in Malaysia: Access and use of digital technologies by children and adolescents*, November 2014, p. 32.

300 Malaysian Communication and Multimedia Commission, *Internet Users Survey*, 2017, p. 31, available at: <https://www.mcmc.gov.my/skmmgovmy/media/General/pdf/MCMC-Internet-Users-Survey-2017.pdf>

301 UNICEF Malaysia, *Exploring the Digital Landscape in Malaysia: Access and use of digital technologies by children and adolescents*, November 2014, p. 32.

302 Nadchatram, Indra, *Teens, Youth & Digital: UNICEF Malaysia Communications & Public Advocacy*, MCO Communications, November 2015.

303 Ibid.

304 Ibid.

305 Malaysian Communication and Multimedia Commission, *Internet Users Survey*, 2017, p. 28, available at: <https://www.mcmc.gov.my/skmmgovmy/media/General/pdf/MCMC-Internet-Users-Survey-2017.pdf>



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penetration was highest among those aged 18-24 and 25-34.³⁰⁶ A 2017 survey by UNICEF found that smartphone usage (at 80 per cent) was higher amongst Malaysian children than children the USA, UK and Japan.³⁰⁷

The 2013 CyberSAFE in Schools National Survey found that **68 per cent of participants used the Internet for social media, and 44 per cent used it to conduct research for school.** Those aged 16-18 and over 18 were higher users of social media than younger age groups.³⁰⁸ Data from the Internet Users Survey 2017 revealed that Facebook is the most popular social networking platform in Malaysia, with a 97.3 per cent

penetration rate among Internet users. After Facebook were Instagram (56.1 per cent), YouTube (45.3 per cent), WeChat (43.7 per cent), Google+ (28.3 per cent) and Twitter (26.6 per cent). Other platforms with less than 10 per cent penetration included LinkedIn, Snapchat, LINE and Tumblr.³⁰⁹ However, according to a 2015 report, adolescents and youths use messaging apps such as WeChat (which had a penetration rate of 70 per cent in 2013³¹⁰), KakaoTalk and LINE more than Facebook or Twitter, and also engage in blogging: 48 per cent actively blog, 38 per cent read blogs and 22 per cent read and comment on blogs.³¹¹ The most popular blogging services are Blogspot and Blogger.

306 UNICEF Malaysia, *Exploring the Digital Landscape in Malaysia: Access and use of digital technologies by children and adolescents*, November 2014, p. 33.

307 UNICEF, 'Children4change Survey 2017: Bullying! Hurts', 20 November 2017, available at: <https://children4change.unicef.my/bullying-is-1-concern-for-children-in-malaysia-global-unicef-survey/>

308 Referenced in UNICEF Malaysia, *Exploring the Digital Landscape in Malaysia: Access and use of digital technologies by children and adolescents*, November 2014, p. 42.

309 Malaysian Communication and Multimedia Commission, *Internet Users Survey*, 2017, p. 14, available at: <https://www.mcmc.gov.my/skmmgovmy/media/General/pdf/MCMC-Internet-Users-Survey-2017.pdf>

310 UNICEF Malaysia, *Exploring the Digital Landscape in Malaysia: Access and use of digital technologies by children and adolescents*, November 2014, p. 35.

311 Nadchatram, Indra, *Teens, Youth & Digital: UNICEF Malaysia Communications & Public Advocacy*, MCO Communications, November 2015.



Social media can be a powerful tool for children to participate and to engage, given the freedom of expression that it provides as well as the potential to access information. An example of this is the ‘#Kidstakeover’, organised by UNICEF Malaysia on World Children’s Day in 2017. This involved 30 children from diverse backgrounds and included children with disabilities speaking about what they considered most important to them on more than 10 major media partners spanning TV, radio, print and online platforms. In Malaysia, social media tools are used to express views, socialise and access entertainment. A study on Facebook use from 2013 found that young people used Facebook, for example, for communicating, and also for escapism, politics, and news and information seeking.³¹² Indeed, as in many other countries, people in Malaysia turn to social media sites including Facebook and Twitter as their main news source, rather than newspapers.³¹³ Although an older study, the 2010 Young People and New Media study found that few respondents were able to evaluate the quality and accuracy of

online sources of information.³¹⁴ **An emerging issue (worldwide as opposed to Malaysia only) is the dissemination of disinformation and propaganda.** Social media in particular serves as a platform in seeding disinformation and disruptions to democratic processes and the rule of law. Frequently, restrictions on content or access are put in place in reaction to events (rather than proactively) which can have a significant negative impact on the right to privacy and data protection rights, freedom of expression and the freedom to receive information. Additionally, as outlined in section 5 above, there are significant protection risks in utilising social media and other digital tools.

Recent studies have also linked social media use among adolescents and youth with body image issues and disordered eating, particularly in the context of ‘selfie likes’ – uploading photos and seeking ‘likes’ – and seeking negative feedback via status updates.³¹⁵

312 Referenced in UNICEF Malaysia, *Exploring the Digital Landscape in Malaysia: Access and use of digital technologies by children and adolescents*, November 2014, p. 42.

313 UNICEF, *Digital Engagement Situation Analysis: East Asia and Pacific Regional Office*, August 2019, p. 6.

314 Referenced in UNICEF Malaysia, *Exploring the Digital Landscape in Malaysia: Access and use of digital technologies by children and adolescents*, November 2014, p. 48.

315 Holland, G. and Tiggermann, M., ‘A systematic review of the impact of social networking sites on body image and disordered eating outcomes’ *17 Body Image* (2016), 100-110.



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8

Enabling Environment for Adolescents: Barriers and Bottlenecks

A key challenge to understanding the current situation of adolescents in Malaysia is the use of **inconsistent definitions and resulting limited comparable data** due to different age ranges used. Data collated by Malaysian institutions frequently relates to 'youth', who were (until fairly recently) defined as 15-40-year-olds and are now defined – at least at the federal government level – as 15-30-year-olds. There is frequently a lack of data specifically relating to the 10-19 age group which is the definition adopted by the WHO and followed by many other international bodies. Even where data does relate broadly to this age group, there are inconsistencies in how this age group is further divided. For example, three surveys contributed to the 2017 National Health and Morbidity Survey on adolescents. The Adolescent Health Survey and the Adolescent Mental Health survey both targeted adolescents aged between 13 and 17 years, whereas the Adolescent Nutrition Survey looked at those aged 10-17 years.

As regards **specific data gaps**, there are limited data on sexual violence against children, the prevalence of anaemia – particularly amongst female adolescents, the use of corporal punishment in schools, child marriage, and the various risks relating to Internet usage. There also do not appear to be any reported data on poverty among adolescents. The absence of data on these issues inhibits a comprehensive analysis of the prevalence and nature of rights violations as well as progress made in reducing such violations. It also renders it impossible for the GOM and other service providers to identify the needs of adolescents and thus plan and effectively target interventions and resources to ensure rights implementation and to address inequities.

There is also a law and policy vacuum on adolescents as a specific group, though the Adolescent Health Policy is a welcome development. Most policies relate to children generally and, whilst they may cover children up to the age of 18, for many, the focus is on younger children. As indicated in this SitAn, adolescence is a unique developmental stage and a critical period for physical, psychological and emotional growth. As such, it requires specific policies, programmes and other interventions. However, issues facing adolescents are divided amongst various government bodies (with limited coordination) and across a range of laws, policies and plans. Consequently, it is difficult to design and implement systems and programmes that address issues affecting adolescents holistically and, inevitably, gaps are created 'on the ground'. The lack



of an adolescent-specific legal and policy framework, and the failure to prioritise adolescents in policy and programming, constitute a lost opportunity for the government to foster the development of this key population group. The barriers to meaningful participation for adolescents at the national and sub-national levels, particularly for those from marginalised or vulnerable groups, contribute to insufficiently responsive and targeted policies and programmes.

In terms of specific legal and policy gaps and discrepancies, there are various ages for different rights or obligations. A recent positive step has been the reduction of the voting age from 21 to 18, which has levelled up the ages for voting and majority. As regards marriage, different ages apply for different sections of the population: there are discrepancies between the civil, customary and religious laws on the minimum age of marriage, and girls can marry legally (under civil and Islamic law) at a lower age than boys. This leaves girls significantly more vulnerable to child marriage than boys. There is no legislative provision prohibiting corporal punishment in the home and in schools, and no right, in law, for adolescents to access SRH information



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and services. There are also discrepancies between the Sexual Offences Against Children Act 2017 and the age of consent for sex, and adolescents are not protected from 'dating violence' as they fall through the gaps of laws that protect children from violence by parents/ caregivers and domestic violence legislation that applies only to spouses or former spouses.

Dominant socio-cultural norms, including norms relating to gender, can also act as a barrier to realisation of the rights of adolescents. Socio-cultural norms that emphasise complete obedience of children to adults, together with a shortage of trained counsellors in schools for troubled youth who can focus on children with disciplinary issues, contribute to the use of physical punishment to address misbehaviour and make it less likely that Malaysia will prohibit the use of corporal punishment in the home or at school. Socio-cultural norms relating to sexual activity, particularly

relating to pre-marital sex, appear to have a negative effect on access to SRH education and services. Further, the stigma associated with sexual offences, together with concerns about access to justice, may result in the under-reporting of such offences by victims/ survivors and thus contribute to the lack of data on sexual violence. A culture of victim blaming in sexual violence cases likely compounds the stigma and barriers victims face reporting acts of sexual violence.³¹⁶ Discriminatory norms can also limit the access of certain groups of adolescents, such as girls and adolescents with disabilities, to participation. Finally, norms around eating habits, as well as limited awareness and knowledge on the part of adolescents themselves and their parents, can also contribute to poor health outcomes, in particular child obesity. Social norms that stigmatise mental health can also be a barrier to adolescent's help-seeking behaviours.

³¹⁶ Concerningly, a number of recent journal articles appear to engage in victim blaming by citing 'indecent dressing' as a cause of sexual harassment and violence. See e.g. Ashgar, M. et al, 'Sexual harassment in Malaysian educational institutions: causes and solutions', 1(1) *International E-journal of Advances in Social Sciences* (2015), p. 17.



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9

Conclusions

Globally, UNICEF has been pushing for a more effective and sustained focus on adolescence: a critical life stage associated with increased opportunities and capacities, but also with considerable risk and vulnerability. Effective interventions during adolescence can have a profound impact on a person's life and can lay important foundations for adulthood. They can also strengthen interventions made during childhood, and can disrupt harmful gender stereotypes and social norms, leading to a strengthened enabling environment for human rights.

It is within this context that UNICEF Malaysia aims to strengthen its work on and with adolescents, through gaining an understanding of the key issues and threats affecting them, analysing its positioning on these issues to ensure results are delivered for adolescents and to ensure that its structures, processes and resources are effectively utilised to support the participation and engagement of adolescents in decisions that affect them, including – importantly – within UNICEF's own programmes.

Malaysia has achieved considerable progress in advancing the rights of adolescents; however, some areas remain in which progress has been slow, or has reversed.

Education, skills and employment

Overall, Malaysia has substantially improved **access to education for adolescents**; though there are groups who are more at risk of being denied education or of dropping out of school, including Orang Asli children, children with disabilities, children who are undocumented and those who are stateless, children in conflict with the law who have been placed in detention and pregnant adolescents. While access has improved, quality challenges remain, and Malaysian adolescents continue to under-perform in education in comparison to international averages.

Youth unemployment is high, and, when working, youth are more likely to be employed in lower skilled jobs at lower wages. A key cause of graduate unemployment is the mismatch between requirements in industry and what is taught at schools and universities.

In general, Malaysia has achieved well in progressing **access to and educational outcomes of girls**. Gender gaps in primary and secondary enrolments were eliminated more than 20 years ago, and girls outperform

boys in all areas of learning and at almost all levels of learning. However, girls are still underrepresented in engineering, manufacturing and construction fields in tertiary education, and any advantage in education is lost when they enter the labour market, with a considerably higher labour force participation rate (LFPR) for males than for females and a substantial gender pay gap.

Enabling and protective environment

While there are gaps in the data, it is understood that thousands of **child marriages** (where one party is under 18 years) have taken place in the past decade. Different minimum ages of marriage apply in each of Malaysia's legal systems, and the system of granting dispensations allows adolescents to marry under the age of 18 years.

Physical abuse of children and adolescents is prevalent in the home and in schools; corporal punishment is not unlawful in these contexts (though it is in relation to girls in schools); data on **sexual violence** is lacking, though a substantial number of children have reported being sexually abused in the past 10 years.

Bullying affects a large proportion of adolescents in Malaysia and is an issue of significant concern to adolescents. **Cyberbullying or online violence** is also an issue, with Malaysian children reporting negative online experiences such as being called names, being made fun of or being treated in a mean or unfriendly way. Low levels of knowledge as to how to stay safe online among adolescents are a concern.

For **adolescents who are in conflict with the law**, while Malaysia has taken some important steps to develop a child-friendly justice system, some notable gaps remain, limiting the protections afforded to these children.

Nutrition and health

Malaysia is recognised as currently experiencing a **triple burden of malnutrition**. Rates of thinness (BMI for age) have increased among adolescents in primary and secondary school between 2012 and 2017; rates of stunting (height for age) have decreased, though only slightly. Rates of anaemia are also high, particularly among young pregnant women. Malaysia has the **second highest obesity** rate among ASEAN Member States for children and adolescents aged 5-19. Increased consumption of sugar, including carbonated soft drinks and reduced physical activity have been linked to high rates of obesity.

Data indicate that **adolescents lack access to sexual and reproductive health (SRH) information and services** and have a low level of SRH knowledge. This exposes young people to the risk of sexually transmitted infections (STIs). There is also likely a link between the lack of knowledge of and access to SRH information and services and **child marriage and teen pregnancy**. Whilst the adolescent fertility rate in Malaysia is comparatively low for South-East Asia, there has been a steady increase since 2008.

Rates of **depression and anxiety** among adolescents increased between 2012 and 2017. An increase in rates of all aspects of suicidal behaviour was recorded from 2012 to 2017. Suicide is criminalised in Malaysia, which likely compounds stigma and acts as a barrier to help-seeking among adolescents with mental health problems. **Harmful drug use** appears to be increasing among adolescents, with an increase between 2012 and 2017 in the proportion of adolescents reporting being drug users.

Participation and civic engagement

The Malaysian Government has expressed commitment to youth participation. There are a number of forums that facilitate **adolescent participation**, such as the Children's Representative Council (MPKK) and Malaysian Youth Council (MBM), along with the national youth forums led by children themselves (with the support of the GOM and NGOs), the ASEAN Children's Forum and the Youth and Children's Parliament. However, limited information exists to assess how inclusive and meaningful adolescent participation is.

Limitations on freedom of expression may operate to prevent children's ability to express their views politically. While freedom of expression and association are constitutionally guaranteed, these rights can and have been restricted by a number of laws that limit freedom of expression and assembly.

A large proportion of Malaysia's adolescents are online, though there are significant differences among states in terms of Internet penetration. Social media tools are used to express views, socialise and access entertainment.³¹⁷ However, use of social media can

also expose children to harms, such as through the dissemination of disinformation and propaganda, and through contributing to body image issues and disordered eating.

Cross-cutting barriers and bottlenecks to the realisation of adolescent's rights

A number of core barriers or bottlenecks were identified that impair efforts to improve the situation of adolescents. A key challenge to understanding the current situation of adolescents in Malaysia is the use of **inconsistent definitions and resulting limited comparable data** due to different age ranges used. There are limited data on some key issues facing adolescents, which inhibits a comprehensive analysis of the prevalence and nature of rights violations as well as progress made in reducing such violations. It also renders it impossible for the GOM and other service providers to identify the needs of adolescents and thus plan and effectively target interventions and resources to ensure rights implementation and to address inequities.

There is also a law and policy vacuum on adolescents as a specific group, though the Adolescent Health Policy is a welcome development. Most policies relate to children generally and, whilst they may cover children up to the age of 18, for many, the focus is on younger children. Adolescence is a unique developmental stage and a critical period for physical, psychological and emotional growth. As such, it requires specific policies, programmes and other interventions. However, issues facing adolescents are divided amongst various government bodies (with limited coordination) and across a range of laws, policies and plans, limiting the ability to address adolescents holistically and, inevitably, creating gaps 'on the ground'.

A range of gaps in laws and policies also reduce the protection afforded to adolescents. Different ages of marriage apply for different sections of the population and there is no legislative provision prohibiting corporal punishment in the home and in schools, and no right, in law, for adolescents to access SRH information and services.

317 Referenced in UNICEF Malaysia, *Exploring the Digital Landscape in Malaysia: Access and use of digital technologies by children and adolescents*, November 2014, p. 42.



“Teenagers are going to be the ones to replace the current adults and handle this country. But we can’t do that if bullying is restraining us. Restraining us from really progressing this country. It has caused so much damage.”

—Female, 16, Sabah

Dominant socio-cultural norms, including norms relating to gender, can also act as a barrier to realisation of the rights of adolescents. Socio-cultural norms that emphasise complete obedience of children to adults, together with a shortage of trained counsellors in schools for troubled youth who can focus on children with disciplinary issues, contribute to the

use of physical punishment to address misbehaviour and make it less likely that Malaysia will prohibit the use of corporal punishment in the home or at school. Socio-cultural norms relating to sexual activity, particularly relating to pre-marital sex, appear to have a negative effect on access to SRH education and services and access to help-seeking for adolescent victims/survivors.

**“I have face, but I can’t react.
I have eyes, but I can’t see.
I have mouth, but I can’t say.
I have nose, but I can’t smell.
I have ears, but I can’t hear.
Nowadays, social media is
a platform for teens and children
to lie about their emotions.
All of the positive face reactions that
they make sometimes it’s a huge
fraudulent and very bewildering.
Children and adolescents need to be
heard with full diligence and sincerity,
receive a sufficient amount of attention and
affection, have recognized performance and
accepted fiasco or failures.
For every child, ask them to know the truth.
Let them speak out the reality
from their heart.”**

—Hanis Farhana | Picture My Rights, 2017/18

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